

From: Hupp, Sydney
Location: Alm Room
Importance: Normal
Subject: Meeting with Alliance to Restore Our Waterways (AROW)
Start Date/Time: Thur 4/27/2017 7:00:00 PM
End Date/Time: Thur 4/27/2017 8:00:00 PM
April 2017 External Meeting Request Form - AROW v2.pdf

Topic: The Alliance to Restore Our Waterways (AROW) is a coalition of industry groups affected by the cleanup process at contaminated sediment sites. The group plans to discuss ways to improve implementation of the Superfund program.

Location: Administrator's Office

Staffing: Byron and Ryan

Attendees: Rich Gold, Executive Director of the Alliance to Restore Our Waterways

Marissa Serafino, Alliance to Restore Our Waterways

Dimitri Karakitsos, Alliance to Restore Our Waterways

Mary Draves, Dow, Global Director, Environmental Remediation and Restoration

Dennis Deziel, Dow, Director of Government Affairs

Evan Van Hook, Honeywell, Global Vice President for Health, Safety, Environment and Sustainability

Larry Kast, Honeywell, Vice President of Government Relations

Darren Collins, Celanese, Vice President of Manufacturing and EHS

Steve Shestag, Boeing, Director of Enterprise Environment

Peter Pagano, Boeing, Director of Environment, Government Relations

Steve Goldberg, BASF, Vice President for Regulatory Law and Government Affairs

Doug Reid-Green, BASF, Remediation Expert

Peter Saba, Schnitzer Steel, Senior Vice President and General Counsel

Mat Cusma, Schnitzer Steel, Director of Environmental Remediation

Tara C. Parker, ExxonMobil, Global Manager of Environmental Services

Robert Nolan, ExxonMobil, Senior Government Relations Advisor POC: Marissa Serafino,
marissa.serafino@ Ex. 6 - Personal Privacy Ex. 6 - Personal Privacy

External Meeting Request Form for Administrator E. Scott Pruitt

U.S. Environmental Protection Agency

To request the Administrator to attend and/or speak at your event, please complete and submit the following form.

Today's Date: 4/7/2017

Meeting Date: 4/27/2017

Meeting Time: 2:00 pm

Requested Location (if offsite, please list address, parking instructions, etc.): EPA

Requestor: Rich Gold, Executive Director, Alliance to Restore Our Waterways

Purpose of the Meeting: Superfund Program

Background on the Meeting: The Alliance to Restore Our Waterways (AROW) is a coalition of industry groups affected by the cleanup process at contaminated sediment sites. The group plans to discuss ways to improve implementation of the Superfund program.

Role of the Administrator: Implementation of the Superfund Program

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Robert Nolan, ExxonMobil, Senior Government Relations Advisor

Point of Contact: Marissa Serafino, marissa.serafino@epa.gov

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Role of the Administrator: Implementation of the Superfund Program

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Point of Contact: Marissa Serafino, marissa.serafino@epa.gov Ex. 6 - Personal Privacy Ex. 6 - Personal Privacy

From: Ex. 6 - Personal Privacy; Administrator's EPA email
Location: Administrator's Office
Importance: Normal
Subject: Meeting with Waste Management
Start Date/Time: Fri 3/31/2017 2:00:00 PM
End Date/Time: Fri 3/31/2017 2:30:00 PM

Topic: opportunities for regulatory innovation and improvement; very active with the rest of the business community and with municipal government on ways EPA programs could become more efficient and closely aligned with statutory goals; hoping we can be a resource for the Administrator, particularly in terms of ideas for ways to meet his goal of facilitating progress in working through the Superfund pipeline, sustaining some essential research and educational functions for RCRA, and improving the roll-out of recently promulgated air standards for municipal landfills; this would be a policy discussion about some key EPA programs

Location: Administrator's Office

Attendees: Admin. Pruitt, Byron Brown, Sue Briggum

Staffing: Byron Brown

POC: Sue Briggum; Ex. 6 - Personal Privacy

From: Richardson, RobinH
Location: WJC-N 3rd Floor, The Green Room
Importance: Normal
Subject: 2017 ECOS-EPA Leadership Meeting
Start Date/Time: Tue 7/18/2017 12:30:00 PM
End Date/Time: Tue 7/18/2017 4:00:00 PM
[ECOS-EPA Leadership Agenda 7-18-17.docx](#)
[ECOS and State Attendees as of 7-12-17.xlsx](#)
[ECOS Cooperative Federalism 2.0 6-12-17.pdf](#)
[Memo to ECOS Oversight 8-30-16.pdf](#)
[Principles and Best Practices for Oversight FINAL 08 22 2016.docx](#)
[Prioritizing the Superfund Program Memo 5-22-2017.pdf](#)
[ECOS - Pruitt WOTUS 6-19-17.pdf](#)
[ECOS Press Statement on WOTUS Rule WDraw 6-27-17.pdf](#)

Hi everyone –

The 2017 ECOS-EPA Leadership Meeting provides an opportunity, following Monday's ECOS STEP meeting, for open and robust dialogue on the federal-state relationship with the ECOS Executive Committee. It is expected that as many as 20 to 25 State Environmental Commissioners, Secretaries and Directors plan to attend. An agenda is being finalized and will be available shortly.

If you have any questions or would like additional information please do not hesitate to contact Andrea or me.

Ct: Robin Richardson, 202-564-5200

Staff Ct: Andrea Barbary, 202-564-1397

Thank you! Robin



Agenda for ECOS-EPA Leadership Meeting
July 18, 2017
8:30 am – 12 pm, Rachel Carson Green Room,
EPA South

Please Arrive by 8:00 am to Facilitate Security Process
Light Continental Breakfast & Coffee Available From ECOS On Site



E C C

8:30 – 9:00 **Introductions and Welcoming.** Discussion of meeting purpose: to focus on how EPA and states, through ECOS, can work together to improve environmental results, set priorities, and meet goals.

- **Ken Wagner**, Senior Advisor to the Administrator for Regional and State Affairs, U.S. Environmental Protection Agency
- **Troy Lyons**, Associate Administrator for Congressional and Intergovernmental Relations, U.S. Environmental Protection Agency
- **John Linc Stine**, Commissioner, Minnesota Pollution Control Agency & ECOS President

9:00 – 9:50 **State-Federal Cooperation.** EPA and the states are engaged in a meaningful conversation as to how to best deliver environmental protection and vibrant economies by maximizing roles, responsibilities, resources, and partnerships. Following ECOS' full day State Environmental Protection Meeting (STEP), this opening discussion will reflect on points heard, ideas to pursue, early wins, and next steps.

Discussion Facilitators:

- **Troy Lyons**
- **Todd Parfitt**, Director, Wyoming Department of Environmental Quality & ECOS Vice President
- **Martha Rudolph**, Director, Environmental Programs, Colorado Department of Public Health and the Environment & ECOS Past President
- **Ken Wagner**

9:50 – 10:20 Networking Break

10:20 – 11:00 **Superfund.** Administrator Pruitt has made a modern, effective results oriented Superfund program a priority. The Agency's Superfund Task Force has delivered preliminary recommendations, and work with states will be critical to implementation. This discussion will focus on how states and EPA together can advance the important Superfund reform agenda.

Discussion Leaders:

- **Kell Kelly**, Chair, EPA Superfund Task Force and Senior Advisor to the Administrator, U.S. Environmental Protection Agency
- **Scott Thompson**, Executive Director, Oklahoma Department of Environmental Quality, ECOS Region VI Executive Committee Representative, & Chair, ECOS Waste Committee

11:00 – 11:40 **Waters of the United States Rulemaking.** As the agency works to re-evaluate the definition of “waters of the United States” in accordance with Executive Order 13778, continuous engagement between EPA and the states will be critical to ensuring the final rule reflects the states’ various views and water protection priorities. In this session, states and EPA will discuss approaches for establishing such collaboration.

Discussion Leaders:

- ***Lee Forsgren***, Deputy Assistant Administrator for the Office of Water, U.S. Environmental Protection Agency
- ***Becky Keogh***, Director, Arkansas Department of Environmental Quality & ECOS Secretary-Treasurer
- ***Craig Butler***, Director, Ohio Environmental Protection Agency, ECOS Region V Executive Committee Representative, & Chair, ECOS Water Committee

11:40 – 12:00 **Next Steps & Adjourn**

Discussion Leaders:

- ***John Linc Stine***
- ***Ken Wagner***
- ***Troy Lyons***



E. SCOTT PRUITT
ADMINISTRATOR

May 22, 2017

MEMORANDUM

SUBJECT: Prioritizing the Superfund Program

FROM: E. Scott Pruitt

TO: Deputy Administrator
General Counsel
Assistant Administrators
Inspector General
Chief Financial Officer
Chief of Staff
Associate Administrators
Regional Administrators

A handwritten signature in black ink, appearing to read "Scott Pruitt", is written over the "FROM:" line and extends into the "TO:" list.

Protecting human health and the environment is the core mission of the U.S. Environmental Protection Agency, and ensuring that the Superfund program and the EPA's land and water cleanup efforts operate effectively and efficiently is a cornerstone of this mission. In my interactions and meetings with Congress, governors, local officials and concerned citizens, I have heard that some Superfund cleanups take too long to start and too long to complete. The process of evaluating the contamination at a site and developing the appropriate remedy can take years – if not decades – delaying remediation of the site and withholding the full beneficial use of the area from the local community.

The Superfund program is a vital function of the EPA. Under my administration, Superfund and the EPA's land and water cleanup efforts will be restored to their rightful place at the center of the agency's core mission. In order to properly prioritize the Superfund program that citizens count on to revitalize their communities, I am taking these immediate actions:

- First, to promote increased oversight, accountability and consistency in remedy selections, authority delegated to the assistant administrator for Office of Land and Emergency Management and the regional administrators to select remedies estimated to cost \$50 million or more at sites shall be retained by the Administrator. I have issued revised delegations and internal directive documents, consistent with this memorandum and the EPA's legal authorities, to memorialize this change in how the agency makes these extremely significant decisions.

1200 PENNSYLVANIA AVE. NW • MAIL CODE 1101A • WASHINGTON, DC 20460 • (202) 564-4700 • FAX: (202) 561-1450

This paper is printed with vegetable-oil-based inks and is 100-percent postconsumer recycled material, chlorine-free-processed and recyclable.

- Second, notwithstanding this change, regional administrators and their staffs shall more closely and more frequently coordinate with the Administrator's office throughout the process of developing and evaluating alternatives and selecting a remedy, particularly at sites with remedies estimated to cost \$50 million or more.

Furthermore, I am establishing a task force to provide recommendations on an expedited timeframe on how the agency can restructure the cleanup process, realign incentives of all involved parties to promote expeditious remediation, reduce the burden on cooperating parties, incentivize parties to remediate sites, encourage private investment in cleanups and sites and promote the revitalization of properties across the country. The task force will be chaired by Albert Kelly, senior advisor to the Administrator, and shall include leaders from OLEM, the Office of Enforcement and Compliance Assurance, the Office of General Counsel, EPA Region 3 (as the lead region for the Superfund program) and other offices as appropriate. The task force shall, within 30 days of this memorandum, provide me with a detailed set of recommendations on actions that the agency can take to:

- Streamline and improve the efficiency and efficacy of the Superfund program, with a focus on identifying best practices within regional Superfund programs, reducing the amount of time between identification of contamination at a site and determination that a site is ready for reuse, encouraging private investment at sites during and after cleanup and realigning incentives of all involved parties to foster faster cleanups.
- The task force should propose recommendations to overhaul and streamline the process used to develop, issue or enter into prospective purchaser agreements, bona fide prospective purchaser status, comfort letters, ready-for-reuse determinations and other administrative tools under the agency's existing authorities used to incentivize private investment at sites.
- Streamline and improve the remedy development and selection process, particularly at sites with contaminated sediment, including to ensure that risk-management principles are considered in the selection of remedies at such sites. In addition, the task force should propose recommendations for promoting consistency in remedy selection and more effective utilization of the National Remedy Review Board and the Contaminated Sediments Technical Advisory Group in an efficient and expeditious manner.
- Utilize alternative and non-traditional approaches for financing site cleanups, as well as improvements to the management and use of Superfund special accounts.
- Reduce the administrative and overhead costs and burdens borne by parties remediating contaminated sites, including a reexamination of the level of agency oversight necessary.
- Improve the agency's interactions with key stakeholders under the Superfund program, particularly other federal agencies at federal facilities and federal potentially responsible parties, and expand the role that tribal, state and local governments, local and regional economic development zones and public-private partnerships play in the Superfund program. In addition, the task force should propose recommendations for better addressing the liability concerns of state, tribes and local governments.

I look forward to receiving these recommendations and working together with EPA staff, as well as our partners across the federal government, in states, tribes, local communities and with potentially responsible parties and other stakeholders to improve the Superfund program. I am confident that, with a renewed sense of urgency, leadership and fresh ideas, the Superfund program can reach its full potential of returning formerly contaminated sites to communities for their beneficial use.

From: Brown, Byron
Location: EEOB Room 230A
Importance: Normal
Subject: Updates for WH infrastructure Mtg
Start Date/Time: Wed 6/28/2017 6:00:00 PM
End Date/Time: Wed 6/28/2017 7:30:00 PM
Infrastructure Incentives.docx

WIF: Ex. 5 - Deliberative Process

WH Infrastructure Meeting -

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

From: Levine, Carolyn
Location: OARM conference room 3330-Q North; Rayburn 2123
Importance: Normal
Subject: Superfund program discussion with House staff: includes prep meeting and travel time (SEE NOTES BELOW)
Start Date/Time: Wed 7/26/2017 5:20:00 PM
End Date/Time: Wed 7/26/2017 8:20:00 PM

NOTE: The internal prep will be on **Wednesday, from 1:20pm – 1:40pm** in the OARM (glass) conference room, just prior to the Hill meeting.

THE VAN DEPARTS FROM THE NORTH COURTYARD AT 1:40PM

The Hill meeting will be in-person meeting with (bipartisan) House Energy and Commerce Committee staff and House Transportation and Infrastructure Committee/Subcommittee on Water Resource and Environment staff to discuss EPA's Superfund Task Force, its

Ex. 5 - Deliberative Process

From: Falvo, Nicholas
Location: 4144 WJC-W
Importance: Normal
Subject: Federal Facilities Briefing
Start Date/Time: Fri 5/19/2017 1:00:00 PM
End Date/Time: Fri 5/19/2017 2:00:00 PM
FFRRO-FFEO Reuse ppt 5.19.2017.pdf

Ex. 5 - Deliberative Process

Call In Number

Conference Call

Ex. 6 - Personal Privacy

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Role of the Administrator: Implementation of the Superfund Program

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Location: Administrator's Office

Attendees: Admin. Pruitt, Byron Brown, Sue Briggum

Staffing: Byron Brown

POC: Sue Briggum; Ex. 6 - Personal Privacy

To: Brown, Byron[brown.byron@epa.gov]
From: EPA Press Office
Sent: Tue 7/25/2017 6:37:54 PM
Subject: EPA Announces Superfund Task Force Recommendation

EPA Announces Superfund Task Force Recommendations

Recommendations to Streamline and Improve the Superfund Program

Contact Information: press@epa.gov

(WASHINGTON) — Today, the U.S. Environmental Protection Agency's Superfund Task Force released their report to EPA Administrator Scott Pruitt, providing 42 specific and detailed recommendations to streamline and improve the Superfund program. Administrator Pruitt also signed a directive to leaders across the Agency of 11 specific actions that should be implemented right away, with renewed focus, including identification, within 60 days, of the sites where the risk of human exposure is not fully controlled.

"There is nothing more core to the Agency's mission than revitalizing contaminated land," **said EPA Administrator Scott Pruitt**. "I commend the team effort of the career and political staff on the Task Force, working together to develop recommendations that are detailed, but also workable – to ensure that we can expedite the protection of human health and the environment around these properties and accelerate the reuse. I look forward to leading this team toward full implementation of these recommendations."

"Being on this Task Force was a great opportunity to identify legitimate impediments that prevent expeditious cleanup of Superfund Sites and working to address those issues," **said Karen Melvin, EPA Region 3 Director, Hazardous Site Cleanup Division**.

Established by Congress in 1980, the Superfund Program governs the investigation and cleanup of the nation's most complex hazardous waste sites in order to convert those sites into community resources. The National Priorities List (NPL) came into existence in 1983. It includes those sites that are of national priority among the known releases or threatened releases of hazardous substances, pollutants, or contaminants throughout the United States. Each year, sites are listed and delisted based on criteria in EPA's regulations. As of June 21, 2017, there are 1,336 sites on the NPL, of which 1,179 are privately owned sites and 157 are federal facilities. Sites on the NPL are in various stages of completion and much work still remains. The recommendations of the Superfund Task Force, when implemented, will improve and expedite the process of site remediation and promote reuse.

The Superfund Task Force, chaired by Albert Kelly, senior advisor to the administrator, was commissioned on May 22, 2017, and includes leaders from EPA's Office of Land and Emergency Management, Office of Enforcement and Compliance Assurance, Office of General Counsel, EPA Region 3 (as the lead region for the Superfund program), as well as other offices.

The 42 Superfund Task Force recommendations are organized into five goals:

- Expediting Cleanup and Remediation;
- Re-invigorating Responsible Party Cleanup and Reuse;
- Encouraging Private Investment;

- Promoting Redevelopment and Community Revitalization; and
- Engaging Partners and Stakeholders

Each goal in the Task Force report is accompanied by a set of strategies that include specific actions which are planned to commence within twelve months.

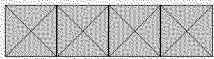
A copy of the directive that the Administrator signed today of the 11 specific actions that leaders across the Agency should implement immediately can be found: <https://www.epa.gov/superfund/administrator-pruitts-memo-regarding-receipt-superfund-task-force-report-and-next-steps>

To view the complete set of Superfund Task Force recommendations, please visit <https://www.epa.gov/superfund/superfund-task-force-recommendations>

For more information about the Superfund program, please visit <https://www.epa.gov/superfund>

EPA Administrator Scott Pruitt signs directive to leaders across the Agency of 11 specific actions that should be implemented right away

[Visit The EPA's Newsroom](#)



U.S. Environmental Protection Agency
1200 Pennsylvania Avenue Northwest
Washington, D.C. 20004
[Unsubscribe](#)

To: Flynn, Mike[Flynn.Mike@epa.gov]; Brown, Byron[brown.byron@epa.gov]; Breen, Barry[Breen.Barry@epa.gov]; Simon, Nigel[Simon.Nigel@epa.gov]; Davis, Patrick[davis.patrick@epa.gov]; Woolford, James[Woolford.James@epa.gov]; Stalcup, Dana[Stalcup.Dana@epa.gov]; Minoli, Kevin[Minoli.Kevin@epa.gov]; Fotouhi, David[fotouhi.david@epa.gov]; Michaud, John[Michaud.John@epa.gov]; Starfield, Lawrence[Starfield.Lawrence@epa.gov]; Traylor, Patrick[traylor.patrick@epa.gov]; Mackey, Cyndy[Mackey.Cyndy@epa.gov]; Gardner, Monica[Gardner.Monica@epa.gov]; Patterson, Kenneth[Patterson.Kenneth@epa.gov]; Melvin, Karen[Melvin.Karen@epa.gov]; Smidinger, Betsy[Smidinger.Betsy@epa.gov]; Morey, Debra[Morey.Debi@epa.gov]; Bertrand, Charlotte[Bertrand.Charlotte@epa.gov]; Gervais, Gregory[Gervais.Gregory@epa.gov]; Tejada, Matthew[Tejada.Matthew@epa.gov]; Avvisato, Frank[Avvisato.Frank@epa.gov]; Fonseca, Silvina[Fonseca.Silvina@epa.gov]; DeLeon, Rafael[Deleon.Rafael@epa.gov]; Duteau, Helen[Duteau.Helen@EPA.GOV]

From: Falvo, Nicholas

Sent: Tue 7/25/2017 5:11:11 PM

Subject: RE: Superfund Report Release
Superfund Task Force Report FINAL - WEB.pdf

Attached is the final version that will be made public shortly. I kindly ask you to refrain from sending this out until 1:30 when it will be posted to the EPA website. You will know that

Thank you all.

From: Falvo, Nicholas

Sent: Tuesday, July 25, 2017 10:34 AM

To: Flynn, Mike <Flynn.Mike@epa.gov>; Brown, Byron <brown.byron@epa.gov>; Breen, Barry <Breen.Barry@epa.gov>; Simon, Nigel <Simon.Nigel@epa.gov>; Davis, Patrick <davis.patrick@epa.gov>; Woolford, James <Woolford.James@epa.gov>; Stalcup, Dana <Stalcup.Dana@epa.gov>; Minoli, Kevin <Minoli.Kevin@epa.gov>; Fotouhi, David <fotouhi.david@epa.gov>; John Michaud <Michaud.John@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Traylor, Patrick <traylor.patrick@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Gardner, Monica <Gardner.Monica@epa.gov>; Patterson, Kenneth <Patterson.Kenneth@epa.gov>; Melvin, Karen <Melvin.Karen@epa.gov>; Smidinger, Betsy <Smidinger.Betsy@epa.gov>; Morey, Debra <morey.debi@epa.gov>; Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>; Gervais, Gregory <Gervais.Gregory@epa.gov>; Tejada, Matthew <Tejada.Matthew@epa.gov>; Avvisato, Frank <Avvisato.Frank@epa.gov>; Fonseca, Silvina <Fonseca.Silvina@epa.gov>; DeLeon, Rafael <Deleon.Rafael@epa.gov>; Duteau, Helen <Duteau.Helen@EPA.GOV>

Subject: Superfund Report Release

Thank you all for attending this morning's announcement.

Currently, the report remains embargoed. I will be sending the final PDF around 1:00 this afternoon.

Nicholas Falvo

Special Assistant to the Senior Advisor

Environmental Protection Agency

Office of the Administrator

Falvo.Nicholas@epa.gov

Office: (202) 564-5075

Cell: Ex. 6 - Personal Privacy



SUPERFUND TASK FORCE RECOMMENDATIONS

Recommendations in response to Administrator Scott Pruitt's request on May 22, 2017. The recommendations address: expediting cleanup and remediation process; reducing financial burden on all parties involved in the entire cleanup process; encouraging private investment; promoting redevelopment and community revitalization; and, building and strengthening partnerships.



July 25, 2017

The U.S. Environmental Protection Agency has an important role to ensure stewardship of our natural resources, including clean air, land, and water. A key objective to this goal is revitalizing land, to return it back to local communities so they can enjoy it.

When I assumed my role as EPA Administrator, I was astounded to learn there were over 1,330 Superfund sites across this country – sites where land has languished and left with contamination seeping into the land and water. Unfortunately, many of these sites have been listed as Superfund sites for decades, some for as many as 30 years. This is not acceptable. We can – and should – do better.

This is why earlier this year, I appointed a ‘Superfund Task Force’. In both a thorough and timely manner, the task force has conducted a review of the Superfund sites and issued this report in order to provide certainty to the American families, businesses, local governments and economies that depend on EPA to provide the leadership and management needed to properly cleanup contaminated sites.

There are many hard working people who have dedicated their careers to cleaning up these sites, but they were not served well by the previous leadership – leadership that put other priorities first. I ask myself every day, what could be more important, more ‘core’ than giving Americans the ability to use the land they are blessed with. This report demonstrates EPA’s commitment to getting these sites cleaned up so that the land is safe for those who build, live or play on it.

The professionals at EPA and the stakeholder partners that contributed to this report share my passion to clean up the country’s worst pollution, as expeditiously and as thoroughly as possible. We welcome the feedback and help from all stakeholders in this national effort. And, we look forward to working together, with states, local communities and tribes – alongside those who are responsible for cleaning up their pollution.

Collectively, we can achieve great things when we provide the leadership and management that Americans deserve.

Respectfully,

E. Scott Pruitt
Administrator

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“Depending on how the various recommendations and proposals in this report may be further developed and implemented, the wording and objectives of some of the items in the report may need to be refined to ensure consistency with existing laws, regulations and EPA guidance documents; in some cases, it also might be appropriate to modify existing policy statements, amend current regulations, or seek legislative amendments to clarify the Agency’s authorities. The Task Force Report is not final Agency action.”

Executive Summary

The core mission of the Environmental Protection Agency is to protect the health of our citizens and the environment in which we all live. Action now serves to preserve that environment for future generations. Under Administrator Pruitt's leadership, we are focused on returning to that essential core mission. The Comprehensive Environmental Response, Compensation, and Liability Act or (CERCLA) also known as 'Superfund' was signed into law on December 11, 1980. Since its beginning, the Superfund Program has made remarkable achievements, most of which represent significant contributions to the nation's collective health and quality of life. Superfund, with its many tools, abates and remediates sites contaminated with hazardous waste and reduces risk to both humans and the environment as a whole.

The National Priorities List (NPL) came into existence in 1983. It represents those properties that are the most contaminated and pose the most risk to human health and the environment. Since that time, many sites have been listed on the NPL and many have been remediated and removed. However, sites still remain and each year sites are added to the list. As of June 21, 2017, there are 1,336 sites on the NPL, of which 1,179 are private sites and 157 are Federal Facility sites. Many of these are in different stages of completion and will move off the NPL list in the future, once site completion is achieved. As such, much work still remains. This plan will improve and expedite the process of site remediation and promote reuse.

Administrator Pruitt commissioned the Superfund Task Force on May 22, 2017. The Task Force was charged to 'provide recommendations on an expedited timeframe on how the agency can restructure the cleanup process, realign incentives of all involved parties to promote expeditious remediation, reduce the burden on cooperating parties, incentivize parties to remediate sites, encourage private investment in cleanups and sites and promote the revitalization of properties across the country.' To focus their mission more precisely, the Task Force was given 30 days to complete its mission.

This document presents a set of recommendations that are reflective of the expectations of substantive action from the Administrator. It does not represent all potential actions that may be needed in the future. Rather, it represents a good beginning that will lead to program efficiencies and identify areas for further refining. Importantly, such refinement will be the subject of close stakeholder engagement as we seek to strengthen our partnerships with all those involved in the Superfund process. The recommended actions in this document are reflective of this Administrator's top priorities to reinvigorate and prioritize the Superfund program in a most expeditious manner.

The goals of this plan reflect the charge received by the Administrator, namely:

- ☐ Expediting Cleanup and Remediation
- ☐ Re-Invigorating Responsible Party Cleanup and Reuse
- ☐ Encouraging Private Investment
- ☐ Promoting Redevelopment and Community Revitalization
- ☐ Engaging Partners and Stakeholders

This plan provides for specific actions, offers time frames for commencement, and identifies EPA staff responsible for each action's implementation. The specific actions outlined are all planned to commence within twelve months and many will be initiated immediately following the approval of the plan. Components of the plan may be revised to include additional actions that may be taken at any stage of feedback, preparation, or implementation. Again, such revisions, improvements, and even additions to the plan are anticipated as we engage with our many stakeholders on the plan's details in an effort to greatly enhance our partnerships throughout the Superfund process. Therefore, the plan was designed to be fluid, dynamic, adaptable and provide both substance and accountability. It will be a living, ever improving action plan.

The Task Force had many members participate. Over the course of this project, upwards of 80 highly experienced EPA professionals, including management and staff, were involved. Five groups, one for each goal, were formed to develop recommendations. The groups' chairs were Dana Stalcup, Ken Patterson, Karen Melvin, Betsy Smidinger, Monica Gardner, Debra Morey, Frank Avvisato, Matthew Tejada, Greg Gervais, Silvina Fonseca and Cyndy Mackey. These individuals used their extensive program knowledge and experience to develop the specific actions identified in the plan. Additionally, many unsolicited, but welcome, letters and white papers were received from industry, trade groups and individual companies which were considered by the Task Force members. Ultimately, the Task Force carefully considered many proposed recommendations but put forth a specific set of actions that could make a difference and meet the charge from the Administrator. Many of these recommendations will be the basis for future actions and plan revisions.

The Superfund Task Force Report identifies a number of opportunities to accelerate cleanup and reuse of Superfund cleanups. This effort identified 42 recommendations that can be initiated without legislative changes during the next year. These recommendations and other innovative ideas will be considered and applied to Superfund Sites with priority given to addressing NPL sites.

A summary of the proposals is the following:

- ☐ High attention is given to the Administrator's keen focus on sites that have seemingly taken far too long to remediate. This will be accomplished by:
 - ☐ *Establishing an "Administrator's Top Ten" list which will get his weekly attention.*
 - ☐ *Directing inquiry and resources as necessary to sites that have been on the NPL for five years or longer without a significant movement.*
 - ☐ *Reviewing all remedy review and approval authorities so as to have consistency across the nation.*
- ☐ Third party investments in NPL cleanups will become an operational way for the agency to accelerate cleanups and promote reuse of NPL sites. This will be done by identifying reuse candidate sites that are selected to pilot innovative tools and incentives. This includes:
 - ☐ *Publicizing site-specific information, including reuse fact sheets to inform the community and developers about properties with reuse potential.*
 - ☐ *Engaging communities in identifying cleanup and reuse opportunities.*
 - ☐ *Entering into site-specific agreements that define the responsibilities and liabilities of a third party investor.*
 - ☐ *Utilizing alternative approaches to financing site cleanups, including environmental liability transfer approaches.*
 - ☐ *Working with PRPs to better integrate reuse needs into cleanup activities.*
- ☐ NPL sites at which remedies have already been selected will be prioritized for faster completion and deletion from the NPL. Tools to achieve this goal include:
 - ☐ *Requiring Remedy Completion Strategies to identify next steps and track progress.*
 - ☐ *Conducting Optimization Reviews, including identification of fifteen sites at which to immediately pilot such review.*
 - ☐ *Implementing early response actions at selected portions of sites.*
 - ☐ *Finishing sites where construction is completed or nearly completed in order to transition the site from "Remedial Action" to "Ready for Reuse" to Deletion, as appropriate.*
- ☐ NPL sites in the assessment and investigation stages will be expedited by applying new technologies and approaches, including:
 - ☐ *Utilizing state of the art technologies, including using conceptual site model technologies at ten NPL sites.*

- ☐ *Increasing access to technical resources.*
- ☐ *Promoting Adaptive Management at Complex Sites, including using Interim/Early Actions.*
- ☐ *Clarifying Groundwater Cleanup Goals*
- ☐ Efforts to secure PRP commitments to perform timely, high quality cleanup will be invigorated. EPA will provide increased inducements and deterrents to encourage PRPs to quickly complete negotiations and cleanup commitments, including:
 - ☐ *Reducing oversight costs for PRPs that perform timely, high quality work. This may include a compromise that reduces indirect cost charging. It may also include designating a singular agency or third party to oversee certain aspects of the cleanup.*
 - ☐ *Increasing PRP and agency personnel adherence to project deadlines.*
 - ☐ *Utilizing enforcement authorities to get work underway quickly and to keep work on schedule.*
 - ☐ *Streamlining the dispute resolution process at Federal Facilities and private sites so that final decisions are promptly made and quickly implemented.*
- ☐ Development of strong stakeholder relationships is key to EPA's remediation success. This will include:
 - ☐ *Ongoing and robust dialogue with stakeholders*
 - ☐ *Use of the input and feedback from these stakeholders to continuously upgrade the plan*
 - ☐ *Higher focus on our Federal industry partners*
 - ☐ *Joint identification of barriers to success*

The Plan includes many more details and other actions. For those of us who were privileged to work on this project, we are pleased and excited to be a part of the EPA's core mission. The recommendations and associated actions in this plan should expedite reduction of risks to human health and the environment and accelerate the reuse of properties affected by hazardous waste contamination. The recommendations and specific actions will benefit our citizens now and those of generations to come.

June 21, 2017
Environmental Protection Agency
Superfund Task Force
Washington, DC

GOAL 1: EXPEDITING CLEANUP AND REMEDIATION

STRATEGY 1: EVALUATE AND ACCELERATE NATIONAL PRIORITIES LIST (NPL) SITES TO COMPLETION

Background: As of June 21, 2017, there are 1,336 sites on the National Priorities List (NPL). These sites (and portions thereof) are in various stages of investigation, cleanup, and reuse. As sites have been added, EPA has chosen to spread its resources across the Superfund pipeline to maximize its ability to make incremental progress at a majority of the sites. An effort to accelerate remedial action and NPL completions will involve re-prioritizing some resources to focus on remedial actions, construction completions, ready-for-reuse determinations, and deletions.

RECOMMENDATION 1: Target NPL Sites That Are Not Showing Sufficient Progress Towards Site Cleanup and Completion

Specific Actions:

- ☐ Develop a list of potential NPL sites to target for completion based on any the following criteria:
 - o Five years listed on the NPL without a selected action;
 - o Remedy design not started for a remedy selected more than 2 years ago;
 - o Remedial action not started which have a Potentially Responsible Party (PRP); or,
 - o Sites with special accounts with a remedial design completed more than 2 years ago.
- ☐ As sites are completed, replenish the NPL-targeted list.
- ☐ Establish a Top Ten Administrator's Emphasis List on sites determined to need immediate and intense attention:
 - o Determine method for designating sites;
 - o Find obstacles to completion and address them;
 - o Report progress through monthly reports submitted directly to the Administrator; and,
 - o As sites are completed, replenish the list.
- ☐ Determine any site where human exposure is not under control and prioritize effecting control.
- ☐ Develop recommendations for a process for working with Regions to:
 - o Establish metrics on all sites to track progress, including PRP lead, length of time to estimated partial or complete deletion, costs anticipated, etc.;
 - o Develop project timelines and exit strategies; and,
 - o Track and report progress on achieving/meeting timelines.

Timeframe: Commence activities within 30 days of approval of this plan

RECOMMENDATION 2: Develop Strategies for NPL Sites where Remedies have been Selected to Move Sites Towards NPL Deletion

Specific Actions:

- ☐ Prepare and issue a directive to establish and adhere to a process for tracking and reporting on the progress towards site completion.
- ☐ Track remedy completion progress within Superfund Enterprise Management System (SEMS) or with other tracking methods if more efficient.
- ☐ Conduct regional and Headquarters work planning sessions semi-annually to discuss and develop strategies for site completion.
- ☐ Provide to the Administrator an annual report of sites progressing to completion.
- ☐ Review and revise the NPL deletion policy to maximize statutory flexibility.
- ☐ Focus resources on maximizing deletions/partial deletions for sites that meet Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) and National Contingency Plan (NCP) requirements.

Timeframe: Commence activities within 30 days of approval of this plan

STRATEGY 2: PROMOTE THE APPLICATION OF ADAPTIVE MANAGEMENT AT COMPLEX SITES AND EXPEDITE CLEANUP THROUGH USE OF EARLY/INTERIM RODS AND REMOVAL ACTIONS

Background: Adaptive Management is an approach used at large and/or complex sites that focuses limited resources on making informed decisions throughout the remedial process. Adaptive management requires the development of a clear site strategy with measurable decision points, and focuses site decision making on a sound understanding of site conditions and uncertainties. Based on site uncertainties, decisions are made from data collection, to remedy selection and implementation that allow for the ability to adapt in the event that these uncertainties result in fundamental changes to site conditions.

Under an Adaptive Management strategy, Regions are encouraged to consider greater use of early and/or interim actions including use of removal authority or interim remedies, to address immediate risks, prevent source migration, and to return portions of sites to use pending more detailed evaluations on other parts of sites. The characterization data collected to support the early/interim actions can be used to update the site Conceptual Site Model (CSM) and reduce time and costs associated with the Remedial Investigation/Feasibility Study (RI/FS). This approach will be most effective at contaminated sediment and complex groundwater sites where using removals or early actions to address sources or areas of high contamination is highly efficient. US EPA's 2017 Directive (9200.1-130) memo reiterates EPA's stated bias for initiating responses as soon as the information makes it possible to do so and recommends the use of removals or early actions to quickly address high risk areas. US EPA's 1996 Directive (9283.1-12) outlines the "phased approach" strategy for addressing contaminated groundwater integration, site characterization, early actions, and remedy selection.

RECOMMENDATION 3: Broaden the Use of Adaptive Management (AM) at Superfund Sites

Specific Actions:

- ☐ Prepare a directive outlining adaptive management, including greater use of early actions and interim Records of Decision (RODs), and considerations for implementation at Superfund sites.
- ☐ Identify pilots to demonstrate AM implementation throughout the pipeline.
- ☐ Communicate success stories in this area.

Timeframe: Q3, FY18

STRATEGY 3: CLARIFY POLICIES/GUIDANCE TO EXPEDITE REMEDIATION

Background: Regions should be consistent in prioritizing RI/FSs to identify those sites that need more immediate action in order to help focus available funds and resources. Targeting our efforts, resources and funding may achieve efficiencies in both performance and results. This will foster cooperative partnerships, shorten review times, target sampling and analysis, foster creative thinking, provide a higher level of program accountability and communicate EPA's commitment to the public. In order to accomplish this, the program should focus resources (funds and personnel) to activities associated with NPL sites and establish timeframes and financial limits for conducting RI/FSs.

The principles of groundwater restoration are key concepts outlined in CERCLA and the National Contingency Plan (NCP). Developing improved guidance in this area may help facilitate more timely remedy decisions and make use of the flexibilities inherent within the statute and the NCP. Flexibilities include: using a phased approach, considering monitored natural attenuation, determining whether a technical impracticability waiver is warranted, etc. These strategies, considered early in the cleanup process, may allow for early stakeholder consensus and input and more expedient implementation of remedies.

Currently, the National Remedy Review Board (NRRB) and Contaminated Sediments Technical Advisory Group (CSTAG) are review boards for high-cost sites and sediment sites respectively. Current policy provides that all remedy decisions over \$50 million, which require approval by the Administrator, undergo an NRRB review. Both national consistency and expediting remedy completion are goals of this Administration.

RECOMMENDATION 4: To Better Promote National Consistency and Review, Update the Authority for Approval of the Remedy Selection While Considering the Retained Authority of the Administrator

Specific Actions:

- ☐ Review the current approval and review authority for sites in excess of \$50 million.
- ☐ Review current approval and review authority for all sediment sites.
- ☐ Create new procedures with timelines for review of remedies in excess of \$50 million or that have sediment sites.
- ☐ Prepare protocol for submission of remedy proposals to the Administrator.
- ☐ Determine all current levels of authority to approve remedies.
- ☐ Evaluate proper levels of authority in light of the Administrator's directive.
- ☐ Make recommendations to the Administrator.

Timeframe: Q1, FY18

RECOMMENDATION 5: Clarify Priorities for RI/FS Resources and Encourage Performing Interim/Early Actions During the RI/FS Process to Address Immediate Risks

Specific Actions:

- ☐ Develop criteria for Regions to apply when prioritizing projects so that resources are directed in the order of priority. Include time limits for completing RI/FS.
- ☐ Evaluate EPA retaining engagement and direction of the Feasibility Studies.
- ☐ Prepare and issue policy memorandum that requires Regions to:
 - Focus on NPL sites first;
 - Establish criteria for prioritizing RI/FSs;
 - Set time and funding parameters for RI/FSs; and,
 - Promote and direct use of early/interim actions.

Timeframe: Q1, FY18

RECOMMENDATION 6: Provide Clarification to the Principles for Superfund Groundwater Restoration

Specific Actions:

- ☐ Draft a proposed policy for Clarification of Groundwater Flexibilities with special emphasis directed to early action and the phased approach of remedy selection and implementation. Once drafted and approved, distribute the Policy and provide outreach and training.
- ☐ Evaluate the groundwater beneficial use policy with a focus on beneficial use determinations for aquifers not reasonably anticipated for drinking water use in the near-term or long-term.
 - Maintain current policy for drinking water aquifers that are currently used for these purposes.
 - For aquifers not reasonably anticipated for drinking water use in the near- or long-term, consider modifying how groundwater use designation is determined for these aquifers.

(The revised strategy should reflect the input from Office of Water and partners to CERCLA cleanups (e.g. federal facilities, state and tribal governments, communities, and environmental organizations) when making these decisions.)

Timeframe:

1. Groundwater Flexibilities Policy Memorandum:
 - a. Draft – Q2, FY18
 - b. Final – Q4, FY18
2. Groundwater Use Criteria:
 - a. Options Paper for Management Consideration – Q3, FY18
 - b. Draft Policy Revision (if applicable) – Q4, FY18

STRATEGY 4: USE BEST MANAGEMENT PRACTICES, SYSTEMATIC PLANNING, REMEDY OPTIMIZATION, AND ACCESS TO EXPERT TECHNICAL RESOURCES TO EXPEDITE REMEDIATION

Background: Site characterization and remedial actions can take years to complete, especially when site conditions are complex and dynamic. Remedial activities should be continually reviewed and optimized in order to enhance the understanding of the changing site complexities and conditions.

Reinforcing the need for thorough systematic planning early in the process and throughout the project lifecycle as well as providing Remedial Project Managers (RPMs) the resources for systematic planning facilitation could significantly improve project efficiencies. Further, as site work progresses, emphasizing progress review through independent, third-party optimization¹ of the remedy and evolving site conditions can help ensure maximum effectiveness throughout the project life cycle. RPMs shall utilize best science and continue research on innovative technologies and cleanup approaches; while promoting Best Management Practices (BMPs) for optimization activities. Remedial Investigation/ Feasibility Study (RI/FS) planning will require development of tools and enhanced communication of internal and external resources to support these activities.

Recent developments in real-time investigation technologies and data visualization techniques offer opportunities to build robust understanding of site conditions portrayed in CSMs focused on root causes and high-value, targeted, remedial actions. Advances in electronic data capture and distance collaboration platforms enable project stakeholders to work as a team on RI/FS and Remedial Design/Remedial Action (RD/RA) activities, ensuring all stakeholder concerns are

¹ EPA defines optimization as: “Efforts at any phase of the removal or remedial response to identify and implement specific actions that improve the effectiveness and cost-efficiency of that phase. Such actions may also improve the remedy’s protectiveness and long-term implementation which may facilitate progress towards site completion. To identify these opportunities, regions may use a systematic site review by a team of independent technical experts, apply techniques or principles from Green Remediation or Triad, or apply other approaches to identify opportunities for greater efficiency and effectiveness.” For more information, reference the Office of Remediation and Technology Innovation June 2013 Guidance, “Remediation Optimization: Definition, Scope and Approach” available at https://clu-in.org/Optimization/pdfs/OptimizationPrimer_final_June2013.pdf

considered as the work is performed. In this way, the team can focus on taking actions that drive sites toward completion.

RECOMMENDATION 7: Promote Use of Third -Party Optimization Throughout the Remediation Process and Focus Optimization on Complex Sites or Sites of Significant Public Interest

Specific Actions:

- ☐ Expand the use of third-party optimization evaluations throughout all phases of the pipeline on selected sites.
- ☐ Determine complex sites and sites of significant public interest:
 - Provide internal or external review and support for key project milestones;
 - Identify opportunities for efficiencies and cost savings; and,
 - Ensure a clear path to project completion.

Timeframe: Q1, FY18

RECOMMENDATION 8: Reinforce Focused Scoping Which Closely Targets the Specific Areas for Remediation and Identify and Use Best Management Practices (BMP) in the RI/FS Stage

Specific Actions:

- ☐ Prepare and issue a directive requiring the use of project scoping and outlining expected processes and procedures to be utilized in choosing the appropriate response action.
- ☐ Develop a plan to increase regional expertise to support this planning function.
- ☐ Study best management practices used across all Regions and adopt those nationally.

Timeframe: Q1, FY18

RECOMMENDATION 9: Utilize State-Of-The-Art Technologies to Expedite Cleanup

Specific Actions:

- ☐ Expand the use of real-time investigation technologies and data visualization techniques.
- ☐ Determine other available state-of-the-art technologies on at least an annual basis.
- ☐ Compile annual report of new technologies and their applicability.

Timeframe: Q2, FY18

RECOMMENDATION 10: Develop a Technical Support Team and Tools to Inform RPMs Regarding Available Resources to Assist with Best Management Practice (BMP) Applications, Including Scoping and Targeted Technical Reviews

Specific Actions:

- ☐ Finalize online catalog of in-house resources using Tech Hub.
- ☐ Develop analytical and reporting capabilities to evaluate, document, and disseminate information on pilot studies and other demonstrations of innovative tools and technologies.

- ☐ Increase awareness of and expand the existing ORD TSC Share Point site for requesting and tracking technical assistance requests for ORD TSCs and STLs.
- ☐ Combine or develop an additional tool for requesting and tracking OSRTI Environmental Response Team (ERT) technical assistance requests.
- ☐ Identify fifteen sites to undergo a Technical Support Team optimization review.

Timeframe: Q2, FY18

RECOMMENDATION 11: Review all Third-Party Contracting Procedures, Large EPA-Approved Contractors, and Contracts to Determine Appropriate Use Parameters and Qualification Methods for EPA Contracting

Specific Actions:

- ☐ Consult with regions to determine the current use parameters and frequency of use of third-party contractors.
- ☐ Review amount of funds expended on outside contractors agency wide, including review of budgeted allocations.
- ☐ Specifically examine sole source contracts and contractors.
- ☐ Determine authorization levels for use of contractors.
- ☐ Review all large contractors approved by EPA.
- ☐ Involve appropriate personnel to modify, if necessary, the protocol for use of outside contractors.

Timeframe: Q1, FY18

GOAL 2: RE-INVIGORATING RESPONSIBLE PARTY CLEANUP AND REUSE

STRATEGY 1: ENCOURAGE AND FACILITATE RESPONSIBLE PARTIES' EXPEDITIOUS AND THOROUGH CLEAN-UP OF SITES TO EFFECT RE-USE MORE QUICKLY

Background: At sites where responsible parties can be identified, the cost of remediation is intended to be borne by them. However, utilizing tools and procedures to assist these parties in their efforts is helpful to all stakeholders. Settlement can be reached sooner by providing incentives to performing parties. More importantly, proper use of incentives will reinforce the notion that cooperative parties who settle *early* will obtain significant benefits by doing so. Second, cleaning up a Superfund site can be completed faster and more efficiently by using incentives to reach expected milestones in the cleanup work. Third, enforcement authorities can be used as leverage in certain cases to get the cleanup started or to help reach settlement. Fourth, all parties can avoid the increased transaction costs associated with protracted negotiations.

Each of the federal facility agreements (FFAs) at federal facility NPL sites includes timelines for moving through the dispute process. These timelines were developed in order to ensure that work at Federal Facility (FF) NPL sites moved efficiently even in the case of disagreements between the parties. The dispute resolution process includes a commitment by the parties to make reasonable efforts to resolve disputes informally before invoking formal dispute procedures. Informal disputes and each of the stages of formal dispute have specific timeframes built into the FFAs. Reinforcing these timelines to ensure that the dispute resolution timelines are more closely adhered to will ensure that cleanup work is not unreasonably slowed when a disagreement between the FFA parties arises.

RECOMMENDATION 12: Re commend Consideration and U se of Early Resp onse Actions at Superfund Sites, Particularly Sediment Sites, While Comprehensive Negotiations Are Underway for the Entire Cleanup

Specific Actions:

- ☐ Issue an Agency Directive requiring consideration of early actions and a separate track for Remedial Design (RD) actions at PRP-funded Superfund Sites. This should include (1) using parallel tracks for the remedial design and remedial action and (2) dividing cleanup work into manageable areas of response actions.
- ☐ Reissue/revise remedial design guidance.

Timeframe:

1. Q4, FY17
2. Q1, FY18

RECOMMENDATION 13: Identify Opportunities to Utilize Various Federal and State Authorities to Conduct Response Actions that are Consistent with CERCLA and the NCP

Specific Actions:

- ☐ Evaluate and develop criteria on utilizing alternate tools to pursue liable parties at NPL-caliber sites, including greater use of the Superfund Alternative Approach (SAA) in pursuit of cleanup.
- ☐ Where appropriate, use Resource Conservation and Recovery Act (RCRA), CERCLA, Safe Drinking Water Act (SDWA), and other Federal or State authorities to address hazardous waste sites where statutory requirements are met.
- ☐ Where appropriate, designate states as leads on sites.

Timeframe: Q1, FY18

RECOMMENDATION 14: Maximize the Use of Special Accounts to Facilitate Site Cleanup and/or Redevelopment

Specific Actions:

- ☐ At sites where PRPs agree to perform cleanup work, prioritize use of special account funds as financial incentives. Consider, where applicable:
 - Reserving/prioritizing special account funds for sites with potential for redevelopment;
 - Disbursing funds quicker to a PRP when, for example, the PRP completes work ahead of schedule;
 - Providing reimbursement from special accounts to reduce the cost a PRP has incurred for cleanup at sites; and/or,
 - Delaying reimbursement from special accounts for response work until a PRP takes steps to increase potential for site reuse/redevelopment at sites where cleanup will enhance marketability of the property.
- ☐ Aggressively pursue additional opportunities to provide special account funds to Bona Fide Prospective Purchasers (BFPPs) that agree to perform cleanup work.
 - Develop guidance for disbursing special account funds to BFPPs.
 - Consider extending financial incentives available to PRPs to BFPPs.
- ☐ Establish and use special account funds to pay for EPA oversight (when any party is doing work).
- ☐ Maximize the use of special account funds to preserve scarce EPA and state resources.
- ☐ Evaluate for revisions EPA policy and guidance to reflect specific actions listed above.

Timeframe: Disbursement guidance: Q4, FY17

Identification of additional revised / new guidance: Q2, FY18

RECOMMENDATION 15: Speed Up Settlement Process Where There Are Federal PRPs at a Site

Specific Actions:

- ☐ Work with the Department of Justice (DOJ) and other Federal Agencies for policy changes that promote early decisions on whether Federal Agencies will participate in settlement negotiations.
- ☐ Finalize model Federal Agency settlement language for all settlement agreements (both administrative and consent decrees), and work with DOJ to promote consistent use of the model language by DOJ personnel.
- ☐ Establish model reservation language and standard procedures/timeframes to allow private parties to reserve:
 - Their rights to pursue certain contribution claims against the federal government.
 - Certain contract/indemnification claims against the federal government.

Timeframe: By Q1, FY18 reach agreement in principle at appropriate levels at DOJ on all three objectives. By Q2, FY18, finalize agreements reached and revise model documents.

RECOMMENDATION 16: Provide Reduced Oversight Incentives to Cooperative, High-performing PRPs, and Make Full Use of Enforcement Tools as Disincentives for Protracted Negotiations, or Slow Performance Under Existing Cleanup Agreements

Specific Actions:

- ☐ Develop a plan to provide financial incentives in the form of reduced oversight to PRPs who perform timely, quality work under an agreement by reducing the costs associated with EPA's oversight, including adjustments to indirect costs.
- ☐ Determine current Regional practices, including actual charges that currently compose indirect costs
- ☐ Create a National Workgroup to identify circumstances under which a reduction in oversight costs would be appropriate.
- ☐ Develop guidance to assist Regional staff in application and identification of milestones at specific sites, establishing criteria for deliverables, and determining appropriate level of compromise of oversight costs during settlement.
- ☐ Develop model language for settlement documents relating to establishment of milestones and level of compromise of oversight costs.
- ☐ Identify efficiency opportunities for timely resolution of disputes (including evaluating whether protracted "informal" dispute resolution is advisable) with PRPs that arise in implementing cleanups.
- ☐ Establish and promote strict adherence to project deadlines.
- ☐ Assess stipulated penalties when deadlines are to motivate timely adherence to deadlines.
- ☐ Trigger work takeover provisions when multiple deadlines are missed and access financial assurance when appropriate.
- ☐ EPA will meet its own review deadlines when PRPs are performing quality work and will:

- Publish response work completion schedules and milestones on EPA websites.
- Consider incentives to all parties to meet the deadlines proposed.
- Prohibit PRPs from multiple chances to revise the same document when initial submittal is subpar.
- Actively use enforcement authorities, including more prevalent issuance of unilateral orders to recalcitrant parties to discourage protracted negotiations
 - As needed, implement “participate and cooperate” orders – particularly for Remedial Actions.
 - Emphasize the use of “delayed effective date” unilateral administrative orders as an incentive to speed negotiations.

Timeframe: Criteria for Reduced Oversight, Draft Q1, FY18. Guidance and model language for Reduced Oversight, Final Q3, FY18. Guidance, policy changes to support disincentives to protracted negotiations or delayed cleanup, Draft Q1, FY18.

RECOMMENDATION 17: Adjust Financial Assurance (FA) Required Under Enforcement Documents to Reduce Cooperating PRP’s Financial Burden While Ensuring Resources Are Available to Complete Cleanups

Specific Actions:

- Review EPA’s financial assurance requirements and consider modification to promote realistic requirements. This review should consider (1) defining situations where it may be appropriate for parties to incrementally provide FA for the various phases of cleanup work as they occur; (2) adjusting the discount rate used in the calculation of the cost of future work and (3) identifying other opportunities for achieving a responsible balance between the cost of financial assurances and the risk of financial default.
- Modify model settlement provisions, as needed.

Timeframe: By Q1, FY18, reach agreement in principle on all criteria for identifying PRPs that could be subject to reduced FA burdens. By Q2, FY18, finalize model FA-related language.

RECOMMENDATION 18: Reinforce the Federal Facility Agreement Informal and Formal Dispute Timelines

Specific Actions:

- Develop a policy for the Regions, to be shared with, or ideally co-signed by, federal agencies and the states, which reinforces the importance of adhering to the informal and formal dispute timelines identified in the FFAs.
- Track and report to Regions, Federal Agencies, and States the informal and formal dispute times and postponement of milestones.

Timeframe: Q1, FY18

STRATEGY 2: CREATE OVERSIGHT EFFICIENCIES FOR PRP LEAD CLEANUPS

Background: Cleanup decisions and implementation often take a long time due to the number of people and issues involved. Oversight efficiencies can be realized and costs can be reduced if responsibility for overseeing cleanup is clarified and better distributed.

RECOMMENDATION 19: Expand Cleanup Capacity by Designating One Agency Lead for Each Project in Order to Reduce Overlap and Duplication

Specific Actions:

- ☐ Increase use of Memoranda of Understanding with federal agencies, states and tribes to identify lead agencies for each site and roles and responsibilities for each.
- ☐ Identify situations or phases of cleanup for which certain agencies should have primary responsibility (e.g., tribal/state/local responsibility for long-term stewardship of sites).

Timeframe: FY18

RECOMMENDATION 20: Identify Opportunities to Engage Independent Third Parties to Oversee Certain Aspects of PRP Lead Cleanups

Specific Actions:

- ☐ Create a workgroup to research existing state programs and identify opportunities for independent third parties to perform certain fixed tasks at NPL sites.
- ☐ Design and implement a pilot that utilizes independent third parties to oversee certain actions, such as long-term monitoring.
- ☐ Evaluate pilot effectiveness and efficiency
- ☐ Have workgroup recommend use or non-use of pilot procedures.

Timeframe: FY18

STRATEGY 3: PROMOTE REDEVELOPMENT/REUSE OF SITES BY ENCOURAGING PRPS TO INVEST IN REUSE OUTCOMES

Background: Under the current paradigm, PRPs may resist engaging with third parties to facilitate reuse. To overcome such resistance, EPA should understand and address the legal, financial and technical burdens that may arise when a third party wants to build on a contaminated site. For instance, some uses may require additional cleanup beyond what is necessary to stabilize a site for protectiveness; some uses involve a project schedule that differs from the cleanup and some uses may complicate the long term maintenance obligations for the property.

RECOMMENDATION 21: Facilitate Site Redevelopment During Cleanup by Encouraging PRPs to Fully Integrate and Implement Reuse Opportunities into Investigations and Cleanups of NPL Sites

Specific Actions:

- ☐ Work with PRPs, local governments, and local professionals to identify opportunities for PRP-lead cleanups to integrate reuse outcomes.
- ☐ Issue an Agency Directive to encourage integration of reuse outcomes into PRP-led cleanups. This should include encouraging (1) PRPs to work with end users to perform assessment and additional cleanup/enhancement to achieve reuse objectives; (2) PRPs to directly fund or perform enhanced cleanup or “betterment” by entering into agreements with end users; and, (3) “marketing” of property undergoing cleanup as a deliverable to encourage private investment at sites during and after cleanup. This directive should include creative mechanisms for incentivizing these reuse actions, including financial credits for such actions.

Timeframe: By Q1, FY18 engage with PRPs to identify barriers and explore opportunities to encourage reuse. This action item should be closely coordinated with the activities under Goal 3.

GOAL 3: ENCOURAGING PRIVATE INVESTMENT

STRATEGY 1: USE ALTERNATIVE AND NON-TRADITIONAL APPROACHES FOR FINANCING SITE CLEANUPS

Background: Private sector tools and approaches to manage environmental liabilities and risks are important to the cleanup and reuse of contaminated sites. Some PRPs engage in contractual arrangements to pay a premium for unknown risks and transfer responsibilities to environmental remediation companies where the Superfund site cleanup has a fair degree of certainty. These arrangements may be in the form of an insurance policy, annuity, a designated agent, or an agreement to allow a third party to assume all obligations for remediation and legal liability. However, as provided by CERCLA section 107(e)(1), even the most comprehensive arrangement does not legally bar the government from pursuing the PRP at a later date. Such arrangements tend to be reasonably specific to the circumstances of a site, but they can help expedite the cleanup and reuse of a site. EPA recognizes that it should support, where appropriate, innovative approaches to promote third-party investment in cleanup and reuse of contaminated properties consistent with statutory authorities and needs to consider mitigating its retained rights.

RECOMMENDATION 22: Explore Environmental Liability Transfer (ELT) Approaches and Other Risk Management Tools at PRP cleanups

Specific Actions:

- ☐ Conduct stakeholder outreach that includes:
 - Industry professionals to discuss their products and the industry climate;
 - PRPs who have used an ELT or other risk management tools (e.g. liens on property, bonds, trusts, or insurance) to discuss their experience;
 - Contractors who have successfully been parties to ELTs; and,
 - States to discuss their experiences with ELTs.
- ☐ Establish a national workgroup to identify:
 - Creative uses of insurance, annuities, indemnification and other tools for third parties interested in buying/selling the risk of cleanup;
 - Types of remedial actions, site conditions, and PRPs that stand to benefit from this risk management tool;
 - When it is appropriate to use comfort/status letters or settlement tools to provide certainty to encourage and/or reassure PRPs contemplating using an ELT or other tool; and,
 - Whether a pilot program using these risk management tools at appropriate sites is feasible.

Timeframe: Q4, FY18

STRATEGY 2: STREAMLINE THE PROCESS FOR COMFORT LETTERS AND SETTLEMENT AGREEMENTS WITH THIRD PARTIES

Background: The 2002 Brownfield Amendments to CERCLA added new landowner liability protections, including the Bona Fide Prospective Purchaser (BFPP) protection, to address the liability concerns that act as a barrier to the cleanup and reuse of contaminated properties. Congress intended these liability protections to be self-implementing, although some third parties still remain concerned about potential liability and the availability of the BFPP protection at contaminated properties (see *Ashley II*²). As a result, at some sites, a site-specific tool may be needed for third parties to address liability concerns before the third party can move forward with the cleanup and reuse of the site. EPA's primary tools to address the CERCLA liability concerns of third parties are comfort/status letters and settlement agreements. These site-specific tools have enabled some cleanup and reuse at sites on the NPL to move forward where liability concerns posed a barrier. However, more substantive tools must be used.

RECOMMENDATION 23: Ensure Timely Use of Site-Specific Tools When Needed and Appropriate to Address Liability Concerns at Contaminated Sites

Specific Actions:

- ☐ Identify regional best management practices for addressing purchaser liability concerns and how to respond to inquiries with site-specific comfort/status letters and agreements.
- ☐ Issue recommendations for improvements to the process for responding to requests for site-specific tools and the creation of regional third-party inquiry teams. (See Region 4 procedure).
- ☐ Develop a model request for prior written approval of site-specific letters and agreements to streamline and expedite regional/headquarters/DOJ approval process.
- ☐ Expand use of prospective purchaser agreements for BFPP and PPs to specifically limit their liability.
- ☐ Participate on national team of redevelopment experts (discussed in Goal 4) to support development of streamlined and innovative liability clarification and settlement approaches.

Timeframe: FY17

RECOMMENDATION 24: Create and Maintain an OECA Information Repository to Provide Access to Enforcement Information and Tools to Support Third-Party Cleanup and Reuse.

Specific Actions:

- ☐ Enhance EPA's web content to include case studies, statistics and other relevant information regarding site-specific comfort/status letters, agreements and other enforcement tools and approaches that have supported third-party cleanup and reuse.
- ☐ Establish a list of sites with greatest potential for cleanup/reuse by third parties and focus resources and activities at those sites.

² *PCS Nitrogen v. Ashley II of Charleston, LLC*, 714 F.3d 161 (2013).

- Create a national library, for internal EPA use, of sample comfort/status letters and settlement agreements.

Timeframe: FY17

STRATEGY 3: OPTIMIZE TOOLS AND REALIGN INCENTIVES TO ENCOURAGE THIRD-PARTY INVESTMENT

Background: Before the enactment of the Brownfield Amendments to CERCLA, Prospective Purchaser Agreements (PPAs) and comfort/status letters were used by Regions to address the CERCLA liability concerns of parties who wanted to reuse contaminated properties. Comfort/status letters were developed as an efficient tool, where a settlement agreement is not appropriate, to provide prospective purchasers and other parties with the information EPA has about a particular party, EPA's intentions with respect to the property as of the date of the letter, and the liability protections that may be available to the party. (See 2015 Revised Comfort/Status Letter Policy and Models.) After the addition of the landowner liability protections by the Brownfield Amendments, EPA issued enforcement guidance which explained that EPA involvement is no longer necessary in most private party transactions given the self-implementing nature of the protections and that EPA generally will no longer be entering into PPAs. In 2006, in recognition that BFPPs at some sites might be interested in performing cleanup work beyond what would be expected of them to maintain their BFPP liability protection (e.g., conducting cleanup work beyond the statutory requirement to take "reasonable steps" to prevent or limit exposure and stop continuing or threatened releases at the site), EPA issued a model agreement for BFPPs who are interested in performing Superfund removal work. EPA also has developed a model agreement to resolve an existing or potential "windfall lien" with interested BFPPs.

RECOMMENDATION 25: Update EPA's Position on the Use of Site-Specific Agreements with Third Parties at NPL Sites

Specific Actions:

- Develop and issue a new policy memorandum, working with the Office of General Counsel (OGC), Department of Justice (DOJ), and other EPA offices, which provides for the greater use of PPAs and windfall lien resolution agreements with third parties in addition to BFPP agreements consistent with CERCLA/DOJ authority at NPL sites. The policy should identify what situations, in addition to performing work, would justify entering into negotiations for written agreements.
- Develop a communications roll out plan announcing new policy statement and approach, including web and social platforms.
- Regularly publicize successful agreements that allow sites to be redeveloped by third parties.

Timeframe: FY17

RECOMMENDATION 26: Revise EPA's Model Agreements to Create More Opportunities for Settlement with Third Parties Interested in Cleaning Up and Reusing NPL Sites

Specific Actions:

- ☐ Identify opportunities (with Regions, OGC, and DOJ), as appropriate within existing statutory authorities, to update the model BFPP work agreement, PPA model, and model windfall lien settlement agreement to:
 - Identify provisions in the models that may be revised to incentivize settlement;
 - Research the types of consideration authorized for a settlement agreement; and,
 - Explore options to address future liability concerns to insulate good faith purchasers from unexpected liability (e.g., identify “reasonable steps”).
- ☐ Reinstitute the PPA tracking system allowing EPA to track individual requests, evaluate the timeliness of EPA's response, and identify where in the PPA process delays are occurring.
- ☐ Designate an agreements coordinator at EPA Headquarters to consult directly with DOJ to quickly resolve issues that impede progress.
- ☐ Evaluate and issue recommendations for revisions to model settlement provisions, other types of authorized consideration, and options to address future liability consistent with CERCLA and DOJ authority.
- ☐ Revise model agreements.

Timeframe: Q4, FY17

RECOMMENDATION 27: Identify Tools for Third Parties Interested in Investment or Other Opportunities Supporting the Cleanup or Reuse of NPL Sites

Specific Actions:

- ☐ Conduct outreach to third-party investors who may provide private financing or otherwise become involved in transactions involving contaminated or previously contaminated property to identify specific liability concerns acting as a barrier to investment or other opportunities in such transactions.
- ☐ Identify potential new tools and approaches, as appropriate within existing statutory authorities, to address liability concerns of parties who might acquire property (e.g., enforcement guidance, model reuse assessment agreement, prospective operator agreement, prospective easement agreement).
- ☐ Work with lenders to determine standard language to be included in PPAs to facilitate financing.
- ☐ Identify public-private partnership investment opportunities and structure for successful arrangement.
- ☐ Issue recommendations on potential tools, approaches and opportunities.

Timeframe: Q2, FY18

RECOMMENDATION 28: Provide Greater “Comfort” in Comfort/Status Letters

Specific Actions:

- ☐ Assess concerns that are not being addressed by the current model comfort letter (e.g., windfall lien uncertainties, comprehensive reasonable steps, lender liability).
- ☐ Work with lenders to determine standard language to be included in comfort letters that would allow for certainty in securing funding from lenders for redevelopment of Superfund sites.
- ☐ Identify revisions to the model letter, consistent with the statute and legal authorities, to address these concerns, possibly including:
 - Stronger statements by the Agency to address liability concerns; (e.g., BFPP status, applicability of statute of limitations);
 - Clarifications on the application of EPA guidance at a site; and,
 - EPA’s intention regarding windfall liens evidenced by appropriate documents.
- ☐ Revise and reissue comfort/status letter model.

Timeframe: FY18

RECOMMENDATION 29: Revise or Develop New Enforcement Guidance to Support the Cleanup and Reuse of Contaminated Sites

Specific Actions:

- ☐ Outline a potential new policy, as appropriate within existing statutory authorities, for developers, lenders, investors and/or other third parties to identify or create opportunities for new investment in cleaning up contaminated sites:
 - Propose potential revisions to the “Common Elements Guidance” based on case law developments and lessons learned by EPA and private sector.
 - Identify potential opportunities to expand Good Samaritans or other non-labile party approaches under section 107(d) for addressing liability issues and promoting sustainable redevelopment.

Timeframe: FY18

RECOMMENDATION 30: Revise Federal Facility Enforcement Guidance

Specific Actions:

- ☐ Develop Model Federal Facilities Language for placing Federal Facilities Agreement (FFA) provisions on hold in instances where a third party wants to perform the cleanup work.
- ☐ Revise the 1997 “Policy Towards Landowners and Transferees of Federal Facilities” to assist with pre-1986 transfers of U.S. land.

Timeframe: Q2, FY18 months to develop model language for putting FFAs on hold; Q3, FY18 months for revising the 1997 policy

STRATEGY 4: ADDRESS LIABILITY CONCERNS OF LOCAL GOVERNMENTS

Background: Local governments play an integral role in facilitating the cleanup and reuse of contaminated properties. By acquiring contaminated properties, local governments have the opportunity to evaluate and assess public safety needs and promote redevelopment projects that will protect and improve the health, environment, and economic well-being of their communities. Although local governments may take advantage of the statutory liability protections, including the “involuntary acquisition” protection in section 101(20)(D), the innocent landowner defense in section 101(35)(A), and the BFPP protection, these governments continue to raise potential liability concerns about the acquisition of contaminated property as a barrier to reuse. Local government liability concerns at contaminated properties include the timing of and the cost associated with conducting due diligence, the meaning of “involuntary acquisition” in the statutory provisions, and the need for tools specific for local governments.

RECOMMENDATION 31: Develop New Local Government Enforcement Guidance to Address Concerns Raised by the Landowner Liability Provisions Potentially Applicable to Local Governments

Specific Actions:

- ☐ Propose potential new enforcement guidance to address liability issues acting as a barrier to reuse for local governments, including issues raised by the applicability of the statutory liability protections potentially applicable to local governments.
- ☐ Issue recommendations for an enforcement guidance.

Timeframe: Q4, FY18

RECOMMENDATION 32: Develop a Model Comfort/Status Letter and Other Tools to Address the Liability Concerns and Other Barriers Unique to Local Governments

Specific Actions:

- ☐ Identify potential new tools and approaches to address the liability concerns and barriers unique to local governments (e.g., model comfort/status letter, streamlined settlement agreement, deferrals, MOU/MOAs, cost-share credits).
- ☐ Draft white paper that identifies options and positives/negatives.
- ☐ Issue recommendations.

Timeframe: Q4, FY18

GOAL 4 – PROMOTING REDEVELOPMENT AND COMMUNITY REVITALIZATION

STRATEGY 1 - FACILITATE SITE REDEVELOPMENT AND SUPPORT ONGOING INFORMATION SHARING

Background: Building capacity and providing training to EPA, Federal, state, tribal and local government staff, elected officials, and other community-based organizations on: the overall site cleanup process as it relates to redevelopment potential; key components of land use and economic development planning; and funding and financing tools will provide better support to communities and promote redevelopment of Superfund sites. Local planning departments and elected officials are critical in developing land use alternatives especially during the RI/FS phase of cleanup. Making sure interested parties have the training and basic knowledge regarding the site cleanup process will inform future use decisions and facilitate interested parties ability to promote redevelopment at Superfund sites.

Providing training that identifies specific actions a community can take in the near term will help community stakeholders understand the market potential/limitations of the site, including how they can make the site more attractive to future development. Initial work by a community demonstrates commitment to site reuse, and signals to developers that the community is a willing partner.

Reuse is further promoted when the community, including developers, has access to more information about an individual site and the sites around it. This includes determining which types of sites businesses/industries/developers are interested in potentially redeveloping and sharing information with them to promote Superfund site redevelopment.

RECOMMENDATION 33: Focus Redevelopment Efforts on 20 NPL Sites with Redevelopment Potential and Identify 20 Sites with Greatest Potential Reuse

Specific Actions:

- ☐ Focus reuse training, tools, and resources on the current list of NPL sites with the most redevelopment potential based on transportation access, land values, and other critical real estate market drivers.
- ☐ Identify 20 NPL sites with greatest reuse and commercial potential considering input from regions and agreed upon criteria.
- ☐ Identify the industries and businesses that may be interested in reusing Superfund sites especially the industries that may be interested in reusing the list of 20 NPL sites that have high redevelopment potential.
- ☐ Help these businesses and developers understand liabilities and ongoing obligations at sites they are interested in.
- ☐ Develop information package for all identified sites using successes from Region 4.

Timeframe: Q4, FY2017

RECOMMENDATION 34: Publicize Site Specific Information to Promote Community Revitalization

Specific Actions:

- ☐ Develop a geographic information system (GIS) based map of the U.S. that clearly shows site information, outlines reuse potential, and provides links to relevant documents (ICs, RODs, Five Year Reviews, Brownfield assessment, cleanup, consent orders, etc.) and other key information such as other nearby sites and community demographics.
- ☐ Highlight and make more readily available the current cleanup status of the site.
- ☐ Develop site specific reuse fact sheets during design, construction and post construction phases that would provide information of interest to the community and developers.
- ☐ When appropriate, develop a Ready-for-Reuse Fact Sheet as a mechanism for providing key site information to the community, developers and other potential site users. Include relevant key information for every site, update them regularly, and include contact information. Site owners should be contacted and if possible, included on the sheet as they control land use.
- ☐ Update information about sites achieving Site Wide Ready for Anticipated Use (SWRAU) early in the process and update on an annual basis. Include information about the reuse status of SWRAU sites.
- ☐ Make all site-specific information and reports readily accessible, including information on existing or needed Institutional Controls (ICs)/Engineering Controls (ECs), so developers and other future users are aware of site conditions.

Timeframe: Q3, FY17

RECOMMENDATION 35: Build Capacity of EPA and Its Stakeholders on the Broad Community and Economic Development Context for Site Remediation and Redevelopment

Specific Actions:

- ☐ Conduct redevelopment training in all regions with Superfund, Brownfields, and legal staff on:
 - Existing tools, innovative strategies, and new tools being developed by the SF Task Force;
 - Redevelopment basics, such as incorporating reuse into the cleanup process and reuse assessments;
 - Environmental Liability Transfer and other risk management tools;
 - Financial, social and environmental benefits of conservation easements;
- ☐ Provide ongoing updates to EPA staff and stakeholders about reuse barriers and what EPA can do to address them.
 - Promote the Superfund redevelopment process at national meetings and educational opportunities for stakeholders.
 - Identify best ways to engage more tribes in site cleanups on tribal lands with a focus on reuse throughout the process.

Timeframe: Q3, FY17

RECOMMENDATION 36: Engage Superfund Communities in Cleanup and Redevelopment

Specific Actions:

- ☐ Provide training/fact sheets/on-line information on the following (based on the needs of the community):
 - The Superfund and Brownfields processes;
 - The interplay of federal, state, and local governments; effective communication; leadership; finance; sustainable redevelopment principles, etc;
 - How to undertake market studies and identify assets/challenges specific to the site;
 - The development approval processes, codes, design standards and/or public private financing packages that can help facilitate clean up and re-use;
 - How the redevelopment of the site fits with a broader vision for the economic revitalization for the community;
 - Best practices and case studies from other communities;
 - Which grants or other types of support might be available to help communities implement their site reuse vision;
 - Tools/approaches necessary for local governments or regional councils of government to encourage investment/leveraging, especially in soft markets;
 - Types of up front public or public-private investment that are generally successful in catalyzing redevelopment and community revitalization;
 - Funding/financing mechanisms (e.g. Community Reinvestment Act, CDFI's, New Market Tax Credits, P3 financing) available to local communities;
 - Community partners and other resources available to Superfund communities that can provide design charrettes, and other reuse visioning support;
 - Other agencies that can provide support to on-the-ground community design assistance for neighborhoods that contain Superfund sites;
 - Sustainable and equitable development approaches and how they can be utilized during the cleanup and reuse planning process; and,
 - Practices such as insurance tools that protect the developer from liability;

Timeframe: Q3, FY17

RECOMMENDATION 37: Recognize and Replicate Local Site Redevelopment Successes

Specific Actions:

- ☐ Issue more “Excellence in Site Reuse” awards across regions to recognize communities, local governments and/or developers who have gone “above and beyond.”
- ☐ Develop an incentive program to recognize and facilitate redevelopment.

Timeframe: Q4, FY17

STRATEGY 2: UTILIZE REUSE PLANNING TO LAY THE FOUNDATION & SET EXPECTATIONS FOR SITE REDEVELOPMENT

Background: EPA can play a significant role in helping communities realize the associated health, economic and social benefits that accompany Superfund site redevelopment. Cleanup must be coupled with assistance that addresses neighborhood and community challenges to redevelopment to expand the community's ability to redevelop sites. That assistance includes identifying barriers to redevelopment and helping to overcome them.

Additionally, EPA can help communities find ways to enter into partnerships with more public/private organizations and private business organizations such as real estate professionals, lenders, and developers. Using these partnerships can facilitate reuse by identifying resources these partners may have or connecting the site with potential users interested in developing the site.

RECOMMENDATION 38: Support Community Visioning, Revitalization, and Redevelopment of Superfund Sites

Specific Actions:

- ☐ Create a national team of EPA and other Federal agency redevelopment experts.
- ☐ Offer technical assistance to local communities and/or site owner(s) in envisioning and developing an economically feasible redevelopment plan for the site.
- ☐ Provide help in gathering and sharing with all interested parties' information that goes beyond contaminant levels, reuse restrictions and liability concerns, such as market demand, infrastructure and priorities of the community.
- ☐ Help ascertain employment and job training opportunities that may be available for the affected community during the cleanup and redevelopment process.

Timeframe: Q4, FY17

RECOMMENDATION 39: Engage and Facilitate Public/Private Partnerships to Share Information, Resources, and Work Toward Advancing and Promoting the Revitalization of the Site.

Specific Actions:

- ☐ Identify other federal and state agencies that may be interested in the development and may provide additional resources (e.g., Housing and Urban Development (HUD), Department of Transportation (DOT), Department of Agriculture (USDA)).
- ☐ Facilitate and take a proactive approach in involving additional funding institutions/organizations.
- ☐ Explore partnerships that could bring unique financing options to finance revitalization.
- ☐ Facilitate agreements that enable more non-liable parties to fund cleanups as part of site reuse activities. Facilitate their involvement by developing/sharing information such as "Top 10

Questions for a Non-Liable Party to Ask When Considering Cleanup at a Superfund Site” fact sheet.

- ☐ Facilitate interactions for local stakeholders/PRPs/communities to work together. Actively encourage PRPs to engage and be supportive of the process, demonstrating that an engaged community looking to the future can speed up cleanups, have realistic expectations, act as stewards, and promote successful reuse.
- ☐ Connect each community with a similarly situated community that has had revitalization success – even if from a different state (i.e., a reuse mentoring program).
- ☐ Leverage resources to help market these sites and promote their reuse.

Timeframe: Q3, FY17

GOAL 5: ENGAGING PARTNERS AND STAKEHOLDERS

STRATEGY 1: KEY STAKEHOLDER ENGAGEMENT

Background: Making the Superfund process more efficient and promoting revitalization to gain long-term benefits for impacted communities must necessarily include building stronger strategic partnerships with key stakeholders across the Superfund process. Such strong partnerships will serve as the underpinnings of this plan's other goals and the basis of relationships going forward.

We must deploy an assortment of partnership building activities and engagement opportunities to increase the collaboration with, and impact of, our key stakeholders. New activities and opportunities will be combined with ensuring that our traditional engagement activities include a focus on the goals of this Administrator's initiative.

Recommendation 40: Develop a Robust Communications Strategy to Identify and Target Key Stakeholders

Specific Actions:

- ☐ Execute a strategy that is inclusive of all stakeholders.
- ☐ Hold focused public and private dialogues with key stakeholders to strengthen long-term partnerships for clean-up and reuse of sites. Convene regularly scheduled meetings with:
 - States, local governments and federally recognized Native American tribes;
 - Industry, PRPs, contractors, corporations and other private organizations;
 - Community organizations;
 - Environmental organizations, including those related to environmental justice; and,
 - Financial and banking associations.
- ☐ Provide reports on dialogues and meetings in a form agreed upon with distribution as agreed.

Timeframe: Q4, FY17

Recommendation 41: For Federal Facility Sites, Collaborate with Other Federal Agencies (OFAs) to Solicit Their Views on How EPA Can Better Engage Federal Agencies

Specific Actions:

- ☐ Craft a plan to regularly engage solicitation of information from OFAs.
- ☐ Solicit OFAs to provide initial recommendations on how to achieve the Administrator's goals at their sites.
- ☐ Plan to include regular feedback sessions with other appropriate parties.
- ☐ Provide feedback to the identified central repository.

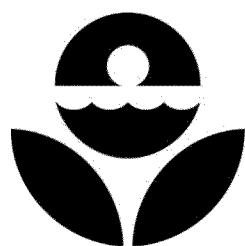
Timeframe: Commence activities within 90 days of approval of this plan

Recommendation 42: Use a Federal Advisory Committee to Work with a Broad Array of Stakeholders to Identify Barriers and Opportunities Related to Cleanup and Reuse of Superfund Sites

Specific Action:

- ☐ Establish a federal advisory committee to identify barriers and opportunities by:
 - Assessing PRP reuse concerns;
 - Obtaining state and local government concerns and opportunities;
 - Assessing input from local community champions;
 - Developing financing and infrastructure ideas;
 - Constructing new ways to address abandoned mining sites and contaminated sediment sites; and,
 - Proposing a methodology and forum for evaluating the effectiveness of the Task Force Recommendations in accelerating cleanup and reuse of Superfund Sites.
- ☐ Developing on-going reports of the committee findings

Timeframe: Commence activities within 180 days of this plan



EPA

United States
Environmental Protection
Agency

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Cc: Emmerson, Caroline[Emmerson.Caroline@epa.gov]; Harwood, Jackie[Harwood.Jackie@epa.gov]; DeLeon, Rafael[Deleon.Rafael@epa.gov]; Patterson, Kenneth[Patterson.Kenneth@epa.gov]; Gardner, Monica[Gardner.Monica@epa.gov]; Davis, Patrick[davis.patrick@epa.gov]
From: Levine, Carolyn
Sent: Tue 6/27/2017 9:16:57 PM
Subject: RE: Internal pre-brief for Congressional staff discussion on Superfund program

Yes, it is open to bipartisan Committee staff for both the House Energy and Commerce Committee and House Transportation and Infrastructure Committee/Water Resources and Environment Subcommittee.

Carolyn Levine

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From: Brown, Byron
Sent: Tuesday, June 27, 2017 5:03 PM
To: Levine, Carolyn <Levine.Carolyn@epa.gov>; Kelly, Albert <kelly.albert@epa.gov>; Ringel, Aaron <ringel.aaron@epa.gov>; Woolford, James <Woolford.James@epa.gov>; Stalcup, Dana <Stalcup.Dana@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Richardson, RobinH <Richardson.RobinH@epa.gov>
Cc: Emmerson, Caroline <Emmerson.Caroline@epa.gov>; Harwood, Jackie <Harwood.Jackie@epa.gov>; DeLeon, Rafael <Deleon.Rafael@epa.gov>; Patterson, Kenneth <Patterson.Kenneth@epa.gov>; Gardner, Monica <Gardner.Monica@epa.gov>; Davis, Patrick <davis.patrick@epa.gov>
Subject: RE: Internal pre-brief for Congressional staff discussion on Superfund program

Thanks, Carolyn.

Ex. 5 - Deliberative Process

-----Original Appointment-----

From: Levine, Carolyn

Sent: Tuesday, June 27, 2017 4:49 PM

To: Kelly, Albert; Brown, Byron; Ringel, Aaron; Woolford, James; Stalcup, Dana; Mackey, Cyndy; Richardson, RobinH

Cc: Emmerson, Caroline; Harwood, Jackie; DeLeon, Rafael; Patterson, Kenneth; Gardner, Monica; Davis, Patrick

Subject: Internal pre-brief for Congressional staff discussion on Superfund program

When: Tuesday, July 11, 2017 11:00 AM-12:00 PM (UTC-05:00) Eastern Time (US & Canada).

Where: DCRoomARN3528/OCIR

Ex. 5 - Deliberative Process

Because of space limitations, the 7/12 Hill meeting attendees will be:

AO:

Kell Kelly

Byron Brown

OCIR:

Robin Richardson

Aaron Ringel

Carolyn Levine

OLEM/OSRTI:

Jim Woolford

Dana Stalcup

OECA/OSRE:

Cyndy Mackey

To: Bowman, Liz[Bowman.Liz@epa.gov]; Jackson, Ryan[jackson.ryan@epa.gov]; Wilcox, Jahan[wilcox.jahan@epa.gov]; Ferguson, Lincoln[ferguson.lincoln@epa.gov]; Graham, Amy[graham.amy@epa.gov]; Kelly, Albert[kelly.albert@epa.gov]; Davis, Patrick[davis.patrick@epa.gov]; Brown, Byron[brown.byron@epa.gov]
From: Konkus, John
Sent: Tue 6/13/2017 6:29:46 PM
Subject: WH Press Release: WSJ Editorial on Trump Administration "Cleaning Up The Superfund Mess"

BOOM!

THE WHITE HOUSE

Office of the Press Secretary

FOR IMMEDIATE RELEASE

June 13, 2017

**WALL STREET JOURNAL EDITORIAL BOARD PRAISES TRUMP
ADMINISTRATION EPA FOR "CLEANING UP THE SUPERFUND MESS"**

"Superfund ought to be measured by how many sites it cleans up—until it is no longer necessary. The green lobby puts symbolic gestures against climate change above all other priorities, but if Mr. Pruitt can accelerate Superfund cleanup he'll do far more for the environment."

Cleaning Up the Superfund Mess

Editorial

Wall Street Journal

June 13, 2017

One cost of making climate change a religion is that more immediate environmental problems have been ignored—not least by the Environmental Protection Agency. New EPA Administrator Scott Pruitt plans to address that in an underreported effort to clean up toxic waste sites under the so-called Superfund program.

In a memo to EPA staff last month, Mr. Pruitt announced a plan to reform the Superfund program created in 1980 and to accelerate the clean up of hazardous waste sites such as old industrial properties or landfills. The effort is long overdue. Superfund has too often become a sinecure for the bureaucracy and a cash cow for lawyers. EPA staff offices can wait years or decades to assess a Superfund site, figure out who's liable for what, consult with the community, decide on a remedy and assign the actual work.

Take the West Lake Landfill Superfund site in Bridgeton, Missouri, which was used for quarrying in the 1930s and later as a landfill. In 1973, 8,700 tons of leached barium sulfate from the Manhattan Project was dumped there, along with soil and waste. The EPA listed the 200-acre facility as a Superfund site in 1990.

Yet it took 18 years for EPA to decide how to clean up West Lake, finally settling in 2008 on a “multi-layered engineered cover and a system of new monitoring wells.” In 2009 the Obama EPA ditched that solution and re-opened the file. In 2010 an underground chemical reaction ignited a fire that is still smoldering.

...

In 2009 the Obama Administration pumped \$600 million into the program as part of the stimulus plan. Yet the EPA's data on “construction completions,” which track Superfund sites that have finished physical construction and dealt with long-term threats, shows a downward trend even as the money flowed in. There were 18 completions in 2010, down from 20 in 2009, and 47 in 2001. In 2016 only 13 sites were completed.

The real obstacle is a combination of bureaucratic inertia and legal or political disputes over who pays what. Washington typically measures success by money spent rather than on results. Yet Superfund ought to be measured by how many sites it cleans up—until it is no longer necessary. The green lobby puts symbolic gestures against

climate change above all other priorities, but if Mr. Pruitt can accelerate Superfund cleanup he'll do far more for the environment.

[Read the full editorial here.](#)

###

[Unsubscribe](#)

The White House · 1600 Pennsylvania Avenue, NW · Washington DC 20500 · [202-456-1111](tel:202-456-1111)

To: Fotouhi, David[fotouhi.david@epa.gov]; Davis, Patrick[davis.patrick@epa.gov]; Kelly, Albert[kelly.albert@epa.gov]; Graham, Amy[graham.amy@epa.gov]; Brown, Byron[brown.byron@epa.gov]

From: Bowman, Liz

Sent: Tue 6/13/2017 1:13:54 AM

Subject: WSJ

[image1.PNG](#)

[ATT00001.txt](#)

Thank you all, team effort!

> CLEANING UP THE SUPERFUND MESS
> Obama Put Climate Gestures Above Toxic Waste Remedies
>

- >
- >
- > Opinion | Review & Outlook
- > Obama put climate gestures above toxic waste remedies.
- >
- > One cost of making climate change a religion is that more immediate environmental problems have been ignored—“not least by the Environmental Protection Agency. New EPA Administrator Scott Pruitt plans to address that in an underreported effort to clean up toxic waste sites under the so-called Superfund program.
- >
- > In a memo to EPA staff last month, Mr. Pruitt announced a plan to reform the Superfund program created in 1980 and to accelerate the clean up of hazardous waste sites such as old industrial properties or landfills. The effort is long overdue. Superfund has too often become a sinecure for the bureaucracy and a cash cow for lawyers. EPA staff offices can wait years or decades to assess a Superfund site, figure out who’s liable for what, consult with the community, decide on a remedy and assign the actual work.
- >
- > Take the West Lake Landfill Superfund site in Bridgeton, Missouri, which was used for quarrying in the 1930s and later as a landfill. In 1973, 8,700 tons of leached barium sulfate from the Manhattan Project was dumped there, along with soil and waste. The EPA listed the 200-acre facility as a Superfund site in 1990.
- >
- > Yet it took 18 years for EPA to decide how to clean up West Lake, finally settling in 2008 on a “multi-layered engineered cover and a system of new monitoring wells.” In 2009 the Obama EPA ditched that solution and re-opened the file. In 2010 an underground chemical reaction ignited a fire that is still smoldering.
- >
- > Another example is the Bunker Hill Mining and Metallurgical Complex in Idaho and Washington state that polluted the air and soil with heavy metals such as lead. The EPA put Bunker Hill on its original list of 406 Superfund sites in 1983, but it too remains an open case.
- >
- > Or Portland Harbor, in Oregon, which was listed in 2000. The private companies EPA found responsible spent years and tens of millions of dollars on a clean-up study that the agency eventually discarded. Obama EPA chief Gina McCarthy didn’t choose a remedy for the site until this January, days before President Trump’s inauguration, using information that was more than a decade old.
- >
- > These are examples of the 1,336 Superfund sites on the EPA’s National Priorities List. Mr. Pruitt has directed a new task force, chaired by senior adviser Albert Kelly, to review Superfund management and business practices. He has also taken power from EPA regional offices to make decisions about projects estimated to cost \$50 million or more, which should speed decision-making.
- > The response from critics, especially from the previous Administration, is that the problem is lack of federal funding. They’re upset that President Trump’s budget proposes a 30% cut in Superfund for next fiscal year, \$330 million less than this year.
- > But Superfund delays aren’t the result of insufficient funds, especially since private parties now shoulder most clean-up costs, as envisaged in the original legislation. At the end of fiscal 2016 the Superfund’s special accounts, which hold settlement money for specific projects, totalled \$3.3 billion. EPA projects it will spend \$1.3 billion of that over the next five years. That’s on top of Superfund’s 2018 budget request for \$762 million.
- >
- > In 2009 the Obama Administration pumped \$600 million into the program as part of the stimulus plan. Yet the EPA’s data on “construction completions,” which track Superfund sites that have finished physical construction and dealt with long-term threats, shows a downward trend even as the money flowed in. There were 18 completions in 2010, down from 20 in 2009, and 47 in 2001. In 2016 only 13 sites were completed.
- >
- > The real obstacle is a combination of bureaucratic inertia and legal or political disputes over who pays

what. Washington typically measures success by money spent rather than on results. Yet Superfund ought to be measured by how many sites it cleans upâ€”until it is no longer necessary. The green lobby puts symbolic gestures against climate change above all other priorities, but if Mr. Pruitt can accelerate Superfund cleanup heâ€™™ll do far more for the environment.

>

> Sent from my iPhone

To: Graham, Amy[graham.amy@epa.gov]
Cc: Brown, Byron[brown.byron@epa.gov]; Davis, Patrick[davis.patrick@epa.gov]; Kelly, Albert[kelly.albert@epa.gov]
From: Fotouhi, David
Sent: Wed 5/17/2017 6:33:31 PM
Subject: Re: BNA: Pruitt's Superfund Focus Could Limit EPA Cleanup Spending, Fray Local Ties, 5/12/17

Thanks. I would say:

Ex. 5 - Deliberative Process; ACC

Sent from my iPhone

On May 17, 2017, at 2:17 PM, Graham, Amy <graham.amy@epa.gov> wrote:

Here's what I'm saying:

Ex. 5 - Deliberative Process; ACC

From: Fotouhi, David
Sent: Wednesday, May 17, 2017 2:12 PM
To: Graham, Amy <graham.amy@epa.gov>
Cc: Brown, Byron <brown.byron@epa.gov>; Davis, Patrick <davis.patrick@epa.gov>; Kelly, Albert <kelly.albert@epa.gov>
Subject: Re: BNA: Pruitt's Superfund Focus Could Limit EPA Cleanup Spending, Fray Local Ties, 5/12/17

Ex. 5 - Deliberative Process; ACC

Sent from my iPhone

On May 17, 2017, at 1:55 PM, Graham, Amy <graham.amy@epa.gov> wrote:

Ex. 5 - Deliberative Process

From: Brown, Byron

Sent: Wednesday, May 17, 2017 12:33 PM
To: Graham, Amy <graham.amy@epa.gov>
Cc: Fotouhi, David <fotouhi.david@epa.gov>; Davis, Patrick <davis.patrick@epa.gov>; Kelly, Albert <kelly.albert@epa.gov>
Subject: RE: BNA: Pruitt's Superfund Focus Could Limit EPA Cleanup Spending, Fray Local Ties, 5/12/17

Ex. 5 - Deliberative Process

From: Graham, Amy
Sent: Wednesday, May 17, 2017 12:22 PM
To: Brown, Byron <brown.byron@epa.gov>
Cc: Fotouhi, David <fotouhi.david@epa.gov>; Davis, Patrick <davis.patrick@epa.gov>; Kelly, Albert <kelly.albert@epa.gov>
Subject: Re: BNA: Pruitt's Superfund Focus Could Limit EPA Cleanup Spending, Fray Local Ties, 5/12/17

Ex. 5 - Deliberative Process

Sent from my iPhone

On May 17, 2017, at 12:19 PM, Brown, Byron <brown.byron@epa.gov> wrote:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

From: Graham, Amy
Sent: Wednesday, May 17, 2017 11:56 AM
To: Fotouhi, David <fotouhi.david@epa.gov>; Brown, Byron <brown.byron@epa.gov>
Cc: Davis, Patrick <davis.patrick@epa.gov>; Kelly, Albert <kelly.albert@epa.gov>

Subject: RE: BNA: Pruitt's Superfund Focus Could Limit EPA Cleanup
Spending, Fray Local Ties, 5/12/17

Ex. 5 - Deliberative Process

From: Fotouhi, David
Sent: Wednesday, May 17, 2017 11:21 AM
To: Graham, Amy <graham.amy@epa.gov>
Cc: Davis, Patrick <davis.patrick@epa.gov>; Kelly, Albert
<kelly.albert@epa.gov>
Subject: Re: BNA: Pruitt's Superfund Focus Could Limit EPA Cleanup
Spending, Fray Local Ties, 5/12/17

Ex. 5 - Deliberative Process; ACC



Ex. 5 - Deliberative Process; ACC

Sent from my iPhone

On May 17, 2017, at 11:17 AM, Graham, Amy <graham.amy@epa.gov> wrote:

Ex. 5 - Deliberative Process; ACC

Ex. 5 - Deliberative Process; ACC

From: Fotouhi, David

Sent: Wednesday, May 17, 2017 11:16 AM

To: Davis, Patrick <davis.patrick@epa.gov>

Cc: Graham, Amy <graham.amy@epa.gov>; Kelly, Albert
<kelly.albert@epa.gov>

Subject: Re: BNA: Pruitt's Superfund Focus Could Limit EPA Cleanup
Spending, Fray Local Ties, 5/12/17

Ex. 5 - Deliberative Process; ACC

Sent from my iPhone

On May 17, 2017, at 11:13 AM, Davis, Patrick <davis.patrick@epa.gov>
wrote:

Ex. 5 - Deliberative Process; ACC

Sent from my iPhone

On May 17, 2017, at 10:08 AM, Graham, Amy
<graham.amy@epa.gov> wrote:

Ex. 5 - Deliberative Process; ACC

From: Fotouhi, David
Sent: Monday, May 15, 2017 11:59 AM
To: Graham, Amy <graham.amy@epa.gov>; Bowman, Liz
<Bowman.Liz@epa.gov>
Subject: RE: BNA: Pruitt's Superfund Focus Could Limit EPA
Cleanup Spending, Fray Local Ties, 5/12/17

Ex. 5 - Deliberative Process; ACC

Ex. 5 - Deliberative Process; ACC

David Fotouhi

Deputy General Counsel

Office of General Counsel

U.S. Environmental Protection Agency

Tel: +1 202.564.1976

fotouhi.david@epa.gov

From: Graham, Amy

Sent: Monday, May 15, 2017 11:44 AM

To: Fotouhi, David <fotouhi.david@epa.gov>; Bowman, Liz
<[Bowman.Liz@epa.gov](mailto: Bowman.Liz@epa.gov)>

Subject: RE: BNA: Pruitt's Superfund Focus Could Limit EPA
Cleanup Spending, Fray Local Ties, 5/12/17

Ex. 5 - Deliberative Process; ACC

**--About how many NPL sites have a selected remedy expected
to cost \$50 million and up?**

There are approximately 100 sites that have had remedies greater
than \$50 million, and an estimated 10 pending decisions.

Ex. 5 - Deliberative Process; ACC

Ex. 5 - Deliberative Process; ACC

From: Fotouhi, David
Sent: Friday, May 12, 2017 5:49 PM
To: Graham, Amy <graham.amy@epa.gov>; Bowman, Liz <Bowman.Liz@epa.gov>
Subject: FW: BNA: Pruitt's Superfund Focus Could Limit EPA Cleanup Spending, Fray Local Ties, 5/12/17

Just wanted to be sure you saw this. BNA is reporting that “The EPA told Bloomberg BNA May 11

Ex. 5 - Deliberative Process; ACC

Ex. 5 - Deliberative Process; ACC

Ex. 5 - Deliberative Process; ACC

David Fotouhi

Deputy General Counsel

Office of General Counsel

U.S. Environmental Protection Agency

Tel: +1 202.564.1976

fotouhi.david@epa.gov

From: McGonagle, Kevin
Sent: Friday, May 12, 2017 9:30 AM
To: AO OPA OMR CLIPS <AO_OPA_OMR_CLIPS@epa.gov>
Subject: BNA: Pruitt's Superfund Focus Could Limit EPA Cleanup Spending, Fray Local Ties, 5/12/17

BNA

Pruitt's Superfund Focus Could Limit EPA Cleanup Spending, Fray Local Ties

By Sylvia Carignan 5/12/17

EPA Administrator Scott Pruitt's deeper involvement in Superfund cleanup decisions could weaken regional office ties to sites and favor less costly cleanup, attorneys and community residents say.

The Environmental Protection Agency's regional offices play a major role in deciding how contaminated sites should be remediated. Since Pruitt will now be involved in those decisions earlier, some say he could cut down on cleanup costs.

But, local Superfund site advocates worry they'll lose out on funding and opportunities to weigh in.

"We've had a very good rapport with our region," Jane Keon, former chair of the citizen task force for the Pine River Superfund site in Michigan, told Bloomberg BNA. "It's been very hard to get federal money ... and our region has really bent over backwards to scrape up funds."

Pruitt released a memo May 9 indicating that he wants to be involved in cleanup decisions earlier in the process, and formally sign-off on decisions where site cleanups are expected to cost more than \$50 million. Those sites are also known as Superfund "megsites," and often involve costly and time-consuming mining, sediment or groundwater cleanup.

The EPA told Bloomberg BNA May 11 it estimates the new policy would affect about 10 sites.

In the memo, Pruitt puts Superfund sites at the center of the agency's mission.

Mathy Stanislaus, former assistant administrator of EPA's Office of Land and Emergency Management, told Bloomberg BNA it's important to consider the motivation behind those changes.

"This pulling back of authority into the administrators office: Is it substantive, or is it political?" he said.

Favoring Caps

Pruitt may take the opportunity to choose less costly remedies for Superfund sites, according to Peter deFur, president of the consulting firm Environmental Stewardship Concepts.

“My prediction would be that it will be more monitored natural attenuation ... a lot more capping of sediment sites, less pump-and-treat for groundwater sites,” he told Bloomberg BNA.

Pruitt's involvement may also reduce the likelihood of remedies with costs exceeding \$1 billion, Steve Jawetz, principal at Beveridge and Diamond, P.C. in Washington, told Bloomberg BNA.

DeFur added the administrator's decisions will help companies specializing in certain types of environmental remediation.

“Every time you shift the effort at the national level to a less invasive [method], the dredgers are going to lose and the cappers are going to win,” he said.

Unknown Factors

The new delegation of authority could bottleneck decisions on cleanup efforts, among other effects. But it may be too early to know for sure what they are, Jawetz said.

Involving the administrator early on may create confusion for regional offices, he said, since those offices may need to decide whether to involve the administrator's office before a proposed remedial action plan has been drafted. Given the additional review burden at the administrator's office, Jawetz said more staff will likely be necessary.

Plus, companies that are potentially responsible for cleanup also may opt to communicate with the administrator's office more frequently for large sites.

“Substantive involvement by the Administrator in remedies proposed throughout the country may prove to be a bottleneck, particularly at the end of the fiscal year when many remedy decisions have typically been made,” he said in an email. “We will just have to see how this new approach is implemented.”

Kevin McGonagle

Office of Media Relations Intern

U.S. Environmental Protection Agency

Telephone: (202)-564-4524

mcgonagle.kevin@epa.gov

To: Jackson, Ryan[jackson.ryan@epa.gov]; Dravis, Samantha[dravis.samantha@epa.gov]; Brown, Byron[brown.byron@epa.gov]; Bolen, Brittany[bolen.brittany@epa.gov]
Cc: Lyons, Troy[lyons.troy@epa.gov]; Bennett, Tate[Bennett.Tate@epa.gov]; Palich, Christian[palich.christian@epa.gov]; Ringel, Aaron[ringel.aaron@epa.gov]; Kenny, Shannon[Kenny.Shannon@epa.gov]; Bowles, Jack[Bowles.Jack@epa.gov]; Osinski, Michael[Osinski.Michael@epa.gov]; Rees, Sarah[rees.sarah@epa.gov]; Kime, Robin[Kime.Robin@epa.gov]
From: Richardson, RobinH
Sent: Wed 5/17/2017 3:07:23 PM
Subject: OCIR's E.O. 13777 Submission
[Regulatory Reform; Regional Recommendations -Final-5.16.17 \(003\).docx](#)
[EO13777OCIR.docx](#)

WIF Ex. 5 - Deliberative Process

Hi Ryan, Samantha, Byron & Brittany –

As directed by the Administrator's March 24 memorandum on enforcing the regulatory reform agenda, please find attached a summary of OCIR activities and corresponding discussion

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

If you have any questions or would like to discuss further please let us know.

Thank you, Robin

Robin H Richardson

Principal Deputy Associate Administrator

Office of Congressional and Intergovernmental Relations

U.S. Environmental Protection Agency

202-564-3358 (desk)

Ex. 6 - Personal Privacy (cell)

richardson.robinh@epa.gov

To: Beck, Nancy[Beck.Nancy@epa.gov]; Bennett, Tate[Bennett.Tate@epa.gov]; Bolen, Brittany[bolen.brittany@epa.gov]; Bowman, Liz[Bowman.Liz@epa.gov]; Brown, Byron[brown.byron@epa.gov]; Chmielewski, Kevin[chmielewski.kevin@epa.gov]; Davis, Patrick[davis.patrick@epa.gov]; Dravis, Samantha[dravis.samantha@epa.gov]; Ferguson, Lincoln[ferguson.lincoln@epa.gov]; Ford, Hayley[ford.hayley@epa.gov]; Fotouhi, David[fotouhi.david@epa.gov]; Freire, JP[Freire.JP@epa.gov]; Graham, Amy[graham.amy@epa.gov]; Greaves, Holly[greaves.holly@epa.gov]; Greenwalt, Sarah[greenwalt.sarah@epa.gov]; Gunasekara, Mandy[Gunasekara.Mandy@epa.gov]; Hale, Michelle[hale.michelle@epa.gov]; Henderson, Austin[henderson.austin@epa.gov]; Hupp, Millan[hupp.millan@epa.gov]; Hupp, Sydney[hupp.sydney@epa.gov]; Jackson, Ryan[jackson.ryan@epa.gov]; Kelly, Albert[kelly.albert@epa.gov]; Konkus, John[konkus.john@epa.gov]; Lyons, Troy[lyons.troy@epa.gov]; McMurray, Forrest[mcmurray.forrest@epa.gov]; Munoz, Charles[munoz.charles@epa.gov]; Palich, Christian[palich.christian@epa.gov]; Ringel, Aaron[ringel.aaron@epa.gov]; Schwab, Justin[schwab.justin@epa.gov]; Wagner, Kenneth[wagner.kenneth@epa.gov]; Wilcox, Jahan[wilcox.jahan@epa.gov]

From: Hupp, Sydney

Sent: Wed 5/17/2017 1:07:02 PM

Subject: EPA - Cabinet Affairs 30 Day Report 5.16.17

EPA Cabinet 30 Day Report 5.16.17.docx

WIF Ex. 5 - Deliberative Process

Sydney Hupp

Executive Scheduler

Office of the Administrator

Ex. 6 - Personal Privacy

To: Brown, Byron[brown.byron@epa.gov]
From: Brent Fewell
Sent: Tue 6/27/2017 3:54:35 PM
Subject: Meeting Request
SRF Financing to Leverage New Water Treatment Technology .pdf

Byron,

Are you available to meet with me and the CEO of MI Systems to discuss the attached ideas? If so, might be helpful to have a rep from OW and OSRTI join us. Please advise.

Brent

Brent Fewell, Esq. | **Earth & Water Group**
1455 Pennsylvania Ave., NW, Suite 400, Washington, DC 20004

Ex. 6 - Personal Privacy (o) | Ex. 6 - Personal Privacy (c) | www.earthandwatergroup.com



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From: Brent Fewell
Sent: Monday, June 5, 2017 7:05 PM
To: 'brown.byron@epa.gov' <brown.byron@epa.gov>
Subject: Superfund Idea

Byron, attached is a concept paper as a follow-up to our recent conversation. The idea of using SRF funding to leveraging better water treatment technologies has some legs. Also, as you know, if you are considering this in the context of CWSRF funds, EPA will need to reinterpret the historic prohibition against SRF funds going to private entities. It's completely doable and defensible. Let me know if you'd like to explore the attached further.

Brent

Brent Fewell, Esq. | **Earth & Water Group**
1455 Pennsylvania Ave., NW, Suite 400, Washington, DC 20004

Ex. 6 - Personal Privacy (O) | Ex. 6 - Personal Privacy (C) | www.earthandwatergroup.com



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Pilot Project Concept

SRF Low Interest Financing to Leverage New Water Treatment Technology and Accelerate Superfund Clean-up

Background: The Aerojet General Corporation Superfund site covers 5,900 acres near Rancho Cordova, 15 miles east of Sacramento. The site was listed on the National Priorities List in 1983. The aquifer beneath the Aerojet facility and the Rancho Cordova area is part of the San Joaquin groundwater basin. This basin provides drinking water to over a million residents in Sacramento County and nearby areas. A 27-square mile swath of groundwater underneath and around the former aerospace facility is polluted with several compounds, including very high levels of perchlorate -- a main component of rocket fuel -- and a known developmental toxin. On September 20, 2011, EPA issued an order to Aerojet Corporation requiring them to conduct a \$60 million cleanup of rocket fuel-polluted groundwater at the Aerojet General Corporation Superfund Site in Rancho Cordova, Calif. This groundwater cleanup represents the latest phase of a long-term decontamination project at the site. The extent of the toxic pollution at the site makes it one of the largest and most comprehensive Superfund groundwater cleanups in California.¹

Proposed Solution: MI Systems is in the latter stages of developing a commercial ready water treatment solution to meet the diverse and challenging needs of the EPA's Superfund Site cleanup. MIS has had the privilege to work closely with Aerojet Rocketdyne to better understand its challenges in cleaning up the expansive groundwater contamination.

The initiative would involve the installation of MI Systems' patented technology known as the Electrochemical Nano Diffusion (END[®]) process.² This game-changing process will provide a more cost effective and energy efficient solution to meet the water treatment needs of the EPA versus processes currently in use by Aerojet and others responsible for cleaning these superfund sites. END represents a significant improvement, in terms of cost savings and performance, relative to traditional treatment technologies, such as fluidized bed (bioreactor) and membrane technologies.

Superfund sites have a variety of water sources that require treatment. To accomplish this, MIS is looking at two potential processing applications: mobile units that can be moved from site to site for short-term flow back water processing, and permanent central processing facilities. MIS could initially deploy its advanced treatment technology at superfund sites in California through developed relationships but other sites are possible as well.

We will reduce perchlorate, NDMA and all VOCs to below NPDES discharge limitations with no adverse chemicals being generated in the process. This will be defined by analyzing the effluent for VOC and SVOC including TICs.

The cost of the MIS commercial scale solution will be dependent on the final operating and treatment conditions set by those responsible for the Superfund site(s), such as Aerojet. However, MIS would look to provide a scalable proof of solution from bench test through a demonstration unit at a superfund site

¹ EPA Case Summary available at <https://www.epa.gov/enforcement/case-summary-epa-issues-order-aerojet-general-corporation-superfund-site>.

² For more information regarding the technology see <http://www.magnaimperiosystems.com/technology/>.

with favorable funding terms of \$5,000,000 using federal Clean Water or Drinking Water State Revolving Funds, if such funds were made available. With this amount of funding MIS would look to deliver a pilot within the next 24 months.

With favorable funding terms of \$50,000,000, project deployment would be accelerated, enabling MIS to test and deploy its advanced treatment technology at multiple sites simultaneously for fast rollout. These funds will allow MI Systems to greatly accelerate our development and testing time to provide a more superior treatment for Superfund Sites nationwide.

Contact information:

Grant Page, Founder and President
MI Systems Corp. 11302 Steeplecrest Dr.
Houston, TX 77065

Ex. 6 - Personal Privacy

email: Ex. 6 - Personal Privacy

To: Kelly, Albert[kelly.albert@epa.gov]; Davis, Patrick[davis.patrick@epa.gov]; Brown, Byron[brown.byron@epa.gov]
From: Greaves, Holly
Sent: Wed 5/31/2017 6:44:18 PM
Subject: SF special accounts
7 Superfund Special Accounts.docx

WIF Ex. 5 - Deliberative Process

Hi all,

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Attached is the fact sheet with the details

Ex. 5 - Deliberative Process

Thanks,

Holly

To: Brown, Byron[brown.byron@epa.gov]
From: Fotouhi, David
Sent: Tue 5/23/2017 9:59:17 PM
Subject: Re: superfund task force

Ex. 5 - Deliberative Process

Sent from my iPhone

On May 23, 2017, at 4:02 PM, Brown, Byron <brown.byron@epa.gov> wrote:

Ex. 5 - Deliberative Process

From: Kelly, Albert
Sent: Tuesday, May 23, 2017 3:32 PM
To: Bennett, Tate <Bennett.Tate@epa.gov>; Davis, Patrick <davis.patrick@epa.gov>; Brown, Byron <brown.byron@epa.gov>
Cc: Lyons, Troy <lyons.troy@epa.gov>; Bowman, Liz <[Bowman.Liz@epa.gov](mailto: Bowman.Liz@epa.gov)>; Graham, Amy <graham.amy@epa.gov>
Subject: RE: superfund task force

Ex. 5 - Deliberative Process

Albert Kelly

Senior Advisor to the Administrator

1200 Pennsylvania Avenue, NW

Washington, DC 20460

202 306 8830

From: Bennett, Tate
Sent: Tuesday, May 23, 2017 12:19 PM
To: Kelly, Albert <kelly.albert@epa.gov>; Davis, Patrick <davis.patrick@epa.gov>; Brown, Byron <brown.byron@epa.gov>
Cc: Lyons, Troy <lyons.troy@epa.gov>; Bowman, Liz <Bowman.Liz@epa.gov>; Graham, Amy <graham.amy@epa.gov>
Subject: superfund task force

Ex. 5 - Deliberative Process

CONTACT:
press@epa.gov

FOR IMMEDIATE RELEASE
May 22, 2017

EPA Announces Superfund Task Force

Task force to provide recommendations for streamlining Superfund program

WASHINGTON – As part of his continued effort to prioritize Superfund cleanups, U.S. Environmental Protection Agency Administrator Scott Pruitt today announced the creation of a Superfund task force to provide recommendations within 30 days on how the EPA can streamline and improve the Superfund program. This includes: restructuring and expediting the cleanup process; reducing the burden on cooperating parties; incentivizing parties to remediate sites; encouraging private investment in cleanups and sites; and, promoting the revitalization of properties across the country.

“I am confident that, with a renewed sense of urgency, leadership and fresh ideas, the Superfund program can reach its full potential of returning formerly

contaminated sites to communities for their beneficial use,” Administrator Pruitt wrote in a memo to EPA staff.

This action follows Administrator Pruitt’s recent directive for remedies of \$50 million or more to be approved by the Administrator to help revitalize contaminated sites faster.

Administrator Pruitt recently visited the USS Lead Superfund Site in East Chicago, Ind., to view ongoing cleanup activities. Administrator Pruitt met with East Chicago residents, federal, state and local officials, and pledged improved coordination and communication as cleanup continues. He was the first EPA Administrator to visit this Superfund site, which was listed on the National Priorities List of the worst contaminated sites in the country in 2009.

Click [here](#) to view Administrator Pruitt’s memo issued May 22, 2017.

Full text below:

Protecting human health and the environment is the core mission of the U.S. Environmental Protection Agency, and ensuring that the Superfund program and the EPA’s land and water cleanup efforts operate effectively and efficiently is a cornerstone of this mission. In my interactions and meetings with Congress, governors, local officials and concerned citizens, I have heard that some Superfund cleanups take too long to start and too long to complete. The process of evaluating the contamination at a site and developing the appropriate remedy can take years – if not decades – delaying remediation of the site and withholding the full beneficial use of the area from the local community.

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foster faster cleanups.

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I look forward to receiving these recommendations and working together with EPA staff, as well as our partners across the federal government, in states, tribes, local communities and with potentially responsible parties and other stakeholders to improve the Superfund

Elizabeth Tate Bennett

Senior Deputy Associate Administrator

Congressional and Intergovernmental Affairs

Office of the Administrator

U.S. Environmental Protection Agency

To: Bennett, Tate[Bennett.Tate@epa.gov]; Kelly, Albert[kelly.albert@epa.gov]; Brown, Byron[brown.byron@epa.gov]
Cc: Lyons, Troy[lyons.troy@epa.gov]; Bowman, Liz[Bowman.Liz@epa.gov]; Graham, Amy[graham.amy@epa.gov]
From: Davis, Patrick
Sent: Tue 5/23/2017 7:02:30 PM
Subject: RE: superfund task force

Ex. 5 - Deliberative Process

Patrick Davis

Environmental Protection Agency

Deputy Assistant Administrator, Office of Land and Emergency Management

202-564-3103 office

Ex. 6 - Personal Privacy cell

Information sent to this email address may be subject to FOIA.

From: Bennett, Tate
Sent: Tuesday, May 23, 2017 12:19 PM
To: Kelly, Albert <kelly.albert@epa.gov>; Davis, Patrick <davis.patrick@epa.gov>; Brown, Byron <brown.byron@epa.gov>
Cc: Lyons, Troy <lyons.troy@epa.gov>; Bowman, Liz <Bowman.Liz@epa.gov>; Graham, Amy <graham.amy@epa.gov>
Subject: superfund task force

Ex. 5 - Deliberative Process

CONTACT:

press@epa.gov

FOR IMMEDIATE RELEASE

May 22, 2017

EPA Announces Superfund Task Force

Task force to provide recommendations for streamlining Superfund program

WASHINGTON – As part of his continued effort to prioritize Superfund cleanups, U.S. Environmental Protection Agency Administrator Scott Pruitt today announced the creation of a Superfund task force to provide recommendations within 30 days on how the EPA can streamline and improve the Superfund program. This includes: restructuring and expediting the cleanup process; reducing the burden on cooperating parties; incentivizing parties to remediate sites; encouraging private investment in cleanups and sites; and, promoting the revitalization of properties across the country.

“I am confident that, with a renewed sense of urgency, leadership and fresh ideas, the Superfund program can reach its full potential of returning formerly contaminated sites to communities for their beneficial use,” Administrator Pruitt wrote in a memo to EPA staff.

This action follows Administrator Pruitt’s recent [directive](#) for remedies of \$50 million or more to be approved by the Administrator to help revitalize contaminated sites faster.

Administrator Pruitt recently [visited](#) the USS Lead Superfund Site in East Chicago, Ind., to view ongoing cleanup activities. Administrator Pruitt met with East Chicago residents, federal, state and local officials, and [pledged](#) improved coordination and communication as cleanup continues. He was the first EPA Administrator to visit this Superfund site, which was listed on the National Priorities List of the worst contaminated sites in the country in 2009.

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Elizabeth Tate Bennett

Senior Deputy Associate Administrator

Congressional and Intergovernmental Affairs

Office of the Administrator

U.S. Environmental Protection Agency

To: Bertrand, Charlotte[Bertrand.Charlotte@epa.gov]
Cc: Burchette, John[Burchette.John@epa.gov]; Lapachin, Jyl[Lapachin.Jyl@epa.gov]; Gartner, Lois[Gartner.Lois@epa.gov]; Falvo, Nicholas[falvo.nicholas@epa.gov]; Breen, Barry[Breen.Barry@epa.gov]; Simon, Nigel[Simon.Nigel@epa.gov]; Davis, Patrick[davis.patrick@epa.gov]; Kelly, Albert[kelly.albert@epa.gov]; Woolford, James[Woolford.James@epa.gov]; Stalcup, Dana[Stalcup.Dana@epa.gov]; Cozad, David[Cozad.David@epa.gov]; Michaud, John[Michaud.John@epa.gov]; Melvin, Karen[Melvin.Karen@epa.gov]; Lloyd, David[Lloyd.DavidR@epa.gov]; Morey, Debra[Morey.Debi@epa.gov]; DeLeon, Rafael[Deleon.Rafael@epa.gov]; Mackey, Cyndy[Mackey.Cyndy@epa.gov]; Rodrigues, Cecil[rodrigues.cecil@epa.gov]; Fonseca, Silvina[Fonseca.Silvina@epa.gov]; Hilosky, Nick[Hilosky.Nick@epa.gov]; Brooks, Becky[Brooks.Becky@epa.gov]; Fotouhi, David[fotouhi.david@epa.gov]; Leff, Karin[Leff.Karin@epa.gov]; Lowe, Jill[Lowe.Jill@epa.gov]; Jennings, Robert[Jennings.Robert@epa.gov]; Brown, Byron[brown.byron@epa.gov]
From: Gervais, Gregory
Sent: Tue 5/23/2017 5:01:17 PM
Subject: RE: Superfund Scoping Discussion -- Follow Up Meeting

Ex. 5 - Deliberative Process

Greg Gervais

Deputy Director

Federal Facilities Restoration & Reuse Office

USEPA OLEM

202-564-4409 (office)

Follow OLEM on Twitter @EPAland

-----Original Appointment-----

From: Bertrand, Charlotte **On Behalf Of** Falvo, Nicholas

Sent: Tuesday, May 23, 2017 12:51 PM

To: Gervais, Gregory; Breen, Barry; Simon, Nigel; Davis, Patrick; Kelly, Albert; Woolford, James; Stalcup, Dana; Bertrand, Charlotte; Cozad, David; Michaud, John; Melvin, Karen; Lloyd, David; Morey, Debra; DeLeon, Rafael; Mackey, Cyndy; Rodrigues, Cecil; Fonseca, Silvina; Hilosky, Nick; Brooks, Becky; Fotouhi, David; Leff, Karin; Lowe, Jill; Jennings, Robert; Brown, Byron

Cc: Burchette, John; Lapachin, Jyl; Gartner, Lois
Subject: Fwd: Superfund Scoping Discussion -- Follow Up Meeting
When: Wednesday, May 24, 2017 3:30 PM-4:30 PM (UTC-05:00) Eastern Time (US & Canada).
Where: DCRoomWest4144GCIVTCPolycom/OLEM

Ex. 5 - Deliberative Process Can't open on my iPhone. Thanks!

Sent from my iPhone

Begin forwarded message:

From: "Falvo, Nicholas" <falvo.nicholas@epa.gov>
To: "Breen, Barry" <Breen.Barry@epa.gov>, "Simon, Nigel" <Simon.Nigel@epa.gov>, "Davis, Patrick" <davis.patrick@epa.gov>, "Kelly, Albert" <kelly.albert@epa.gov>, "Woolford, James" <Woolford.James@epa.gov>, "Stalcup, Dana" <Stalcup.Dana@epa.gov>, "Bertrand, Charlotte" <Bertrand.Charlotte@epa.gov>, "Gervais, Gregory" <Gervais.Gregory@epa.gov>, "Cozad, David" <Cozad.David@epa.gov>, "Michaud, John" <Michaud.John@epa.gov>, "Melvin, Karen" <Melvin.Karen@epa.gov>, "Lloyd, David" <Lloyd.DavidR@epa.gov>, "Morey, Debra" <Morey.Debi@epa.gov>, "DeLeon, Rafael" <Deleon.Rafael@epa.gov>, "Mackey, Cyndy" <Mackey.Cyndy@epa.gov>, "Rodrigues, Cecil" <rodrigues.cecil@epa.gov>, "Fonseca, Silvina" <Fonseca.Silvina@epa.gov>, "Hilosky, Nick" <Hilosky.Nick@epa.gov>, "Brooks, Becky" <Brooks.Becky@epa.gov>, "Fotouhi, David" <fotouhi.david@epa.gov>, "Leff, Karin" <Leff.Karin@epa.gov>, "Lowe, Jill" <Lowe.Jill@epa.gov>, "Jennings, Robert" <Jennings.Robert@epa.gov>, "Brown, Byron" <brown.byron@epa.gov>
Cc: "Gartner, Lois" <Gartner.Lois@epa.gov>, "Burchette, John" <Burchette.John@epa.gov>, "Lapachin, Jyl" <Lapachin.Jyl@epa.gov>
Subject: Superfund Scoping Discussion -- Follow Up Meeting

Falvo, Nicholas has shared a OneDrive for Business file with you. To view it, click the link below.

[icon]

Ex. 5 - Deliberative Process

UPDATE TO INCLUDE THE SF 58 SECTION WORKING MATRIX AND CALL IN NUMBERS

Ex. 6 - Personal Privacy

All –

To follow up from Friday's afternoon meeting, I would like to schedule our next follow up meeting this Wednesday, May 24th at 3:30pm.

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process





E. SCOTT PRUITT
ADMINISTRATOR

May 22, 2017

MEMORANDUM

SUBJECT: Prioritizing the Superfund Program

FROM: E. Scott Pruitt

TO: Deputy Administrator
General Counsel
Assistant Administrators
Inspector General
Chief Financial Officer
Chief of Staff
Associate Administrators
Regional Administrators

A handwritten signature in black ink, appearing to read "Scott Pruitt", is written over the "FROM:" line and extends into the "TO:" list.

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1200 PENNSYLVANIA AVE. NW • MAIL CODE 1101A • WASHINGTON, DC 20460 • (202) 564-4700 • FAX: (202) 561-1450

This paper is printed with vegetable-oil-based inks and is 100-percent postconsumer recycled material, chlorine-free-processed and recyclable.

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To: Brown, Byron[brown.byron@epa.gov]; Kelly, Albert[kelly.albert@epa.gov]; Morey, Debra[Morey.Debi@epa.gov]; Mackey, Cyndy[Mackey.Cyndy@epa.gov]; Michaud, John[Michaud.John@epa.gov]; DeLeon, Rafael[Deleon.Rafael@epa.gov]; Woolford, James[Woolford.James@epa.gov]; Stalcup, Dana[Stalcup.Dana@epa.gov]; Bertrand, Charlotte[Bertrand.Charlotte@epa.gov]; Leff, Karin[Leff.Karin@epa.gov]; Patterson, Kenneth[Patterson.Kenneth@epa.gov]; Gardner, Monica[Gardner.Monica@epa.gov]; Overmeyer, Patricia[Overmeyer.Patricia@epa.gov]

From: Lloyd, David

Sent: Tue 5/23/2017 1:45:46 PM

Subject: RE: Mackey, Cyndy has shared 'Infrastructure-052217-CEQ Data Call - OSRE Comments (002)'

[Infrastructure-052217-CEQ Data Call - OSRE Comments \(002\).drl comments.docx](#)

WIF: Ex. 5 - Deliberative Process

Kell, Byron – I had a few edits to the document Cyndy shared yesterday. See attached please.

David R. Lloyd, Director

Office of Brownfields and Land Revitalization

U.S. Environmental Protection Agency

Washington, DC

202-566-2731



National Brownfields Training Conference

Join us in Pittsburgh, December 5 - 7, 2017

with Pre-Conference Training December 4th

From: Mackey, Cyndy [mailto:no-reply@sharepointonline.com]

Sent: Monday, May 22, 2017 7:21 PM

To: Michaud, John <Michaud.John@epa.gov>; DeLeon, Rafael <Deleon.Rafael@epa.gov>;

Woolford, James <Woolford.James@epa.gov>; Stalcup, Dana <Stalcup.Dana@epa.gov>;
Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>; Lloyd, David <Lloyd.DavidR@epa.gov>;
Leff, Karin <Leff.Karin@epa.gov>; Patterson, Kenneth <Patterson.Kenneth@epa.gov>;
Gardner, Monica <Gardner.Monica@epa.gov>
Cc: Mackey, Cyndy <Mackey.Cyndy@epa.gov>
Subject: Mackey, Cyndy has shared 'Infrastructure-052217-CEQ Data Call - OSRE Comments
(002)'

Please use the attached link to access the updated Land Revitalization
Infrastructure Outline. Thanks.

Open Infrastructure-052217-CEQ Data Call - OSRE Comments (002).docx

See more related to Mackey, Cyndy in Delve.



Get the SharePoint mobile app!



To: Brown, Byron[brown.byron@epa.gov]; Kelly, Albert[kelly.albert@epa.gov]
From: Mackey, Cyndy
Sent: Mon 5/22/2017 10:59:57 PM
Subject: Land Revitalization - Infrastructure Reuse
Infrastructure-052217-CEQ Data Call - OSRE Comments (002).docx

WIF: Ex. 5 - Deliberative Process

Byron & Kell

Attached is a revised document utilizing the format you provided this morning.

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Thanks.

Cyndy Mackey

Director, Office of Site Remediation Enforcement

EPA-Office of Enforcement and Compliance Assurance (Mail Code-2271A)

1200 Pennsylvania Ave., N.W. (Room-WJC 5206) Washington, DC 20460

Ex. 6 - Personal Privacy Direct Line)

202 564-5110 (Office Line)

Ex. 6 - Personal Privacy Office Cell)

This email is for the intended recipient only and may contain material that is privileged and/or confidential. If you believe you have received this email in error, please notify the sender. Thank you

To: Graham, Amy[graham.amy@epa.gov]
Cc: Jackson, Ryan[jackson.ryan@epa.gov]; Kelly, Albert[kelly.albert@epa.gov]; Brown, Byron[brown.byron@epa.gov]; Davis, Patrick[davis.patrick@epa.gov]; Freire, JP[Freire.JP@epa.gov]; Bowman, Liz[Bowman.Liz@epa.gov]; Ferguson, Lincoln[ferguson.lincoln@epa.gov]; Konkus, John[konkus.john@epa.gov]; Wilcox, Jahan[wilcox.jahan@epa.gov]
From: Fotouhi, David
Sent: Mon 5/22/2017 7:24:23 PM
Subject: RE:

This looks good to me, Amy.

David Fotouhi

Deputy General Counsel
Office of General Counsel
U.S. Environmental Protection Agency
Tel: +1 202.564.1976
fotouhi.david@epa.gov

From: Jackson, Ryan
Sent: Monday, May 22, 2017 3:18 PM
To: Graham, Amy <graham.amy@epa.gov>; Kelly, Albert <kelly.albert@epa.gov>; Brown, Byron <brown.byron@epa.gov>; Fotouhi, David <fotouhi.david@epa.gov>; Davis, Patrick <davis.patrick@epa.gov>; Freire, JP <Freire.JP@epa.gov>; Bowman, Liz <Bowman.Liz@epa.gov>; Ferguson, Lincoln <ferguson.lincoln@epa.gov>; Konkus, John <konkus.john@epa.gov>; Wilcox, Jahan <wilcox.jahan@epa.gov>
Subject: RE:

We need to send ASAP.

From: Graham, Amy
Sent: Monday, May 22, 2017 3:17 PM
To: Jackson, Ryan <jackson.ryan@epa.gov>; Kelly, Albert <kelly.albert@epa.gov>; Brown, Byron <brown.byron@epa.gov>; Fotouhi, David <fotouhi.david@epa.gov>; Davis, Patrick

<davis.patrick@epa.gov>; Freire, JP <Freire.JP@epa.gov>; Bowman, Liz
<Bowman.Liz@epa.gov>; Ferguson, Lincoln <ferguson.lincoln@epa.gov>; Konkus, John
<konkus.john@epa.gov>; Wilcox, Jahan <wilcox.jahan@epa.gov>

Subject: RE:

Here is the draft release I am waiting on the legal team to sign off on.

EPA Announces Superfund Task Force

Task force to provide recommendations for streamlining Superfund program

WASHINGTON – As part of his continued effort to prioritize Superfund cleanup, U.S. Environmental Protection Agency Administrator Scott Pruitt today announced the creation of a Superfund task force to provide recommendations within 30 days on how the EPA can streamline and improve the Superfund program. This includes: restructuring and expediting the cleanup process; reducing the burden on cooperating parties; incentivizing parties to remediate sites; encouraging private investment in cleanups and sites; and, promoting the revitalization of properties across the country.

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[Click here to view Administrator Pruitt's memo issued May 22, 2017.](#)

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- Streamline and improve the efficiency and efficacy of the Superfund program, with a focus on identifying best practices within regional Superfund programs, reducing the amount of time between identification of contamination at a site and determination that a site is ready for reuse, encouraging private investment at sites during and after cleanup and realigning incentives of all involved parties to foster faster cleanups.

- The task force should propose recommendations to overhaul and streamline the process used to develop, issue or enter into prospective purchaser agreements, bona fide prospective purchaser status, comfort letters, ready-for-reuse determinations and other administrative tools under the agency's existing authorities used to incentivize private investment at sites.

- Streamline and improve the remedy development and selection process, particularly at sites with contaminated sediment, including to ensure that risk-management principles are considered in the selection of remedies at such sites. In addition, the task force should propose recommendations for promoting consistency in remedy selection and more effective utilization of the National Remedy Review Board and the Contaminated Sediments Technical Advisory Group in an efficient and expeditious manner.

- Utilize alternative and non-traditional approaches for financing site cleanups, as well as improvements to the management and use of Superfund special accounts.

- Reduce the administrative and overhead costs and burdens borne by parties remediating contaminated sites, including a reexamination of the level of agency oversight necessary.

- Improve the agency's interactions with key stakeholders under the Superfund program, particularly other federal agencies at federal facilities and federal potentially responsible parties, and expand the role that tribal, state and local governments, local and regional economic development zones and public-private partnerships play in the Superfund program. In addition, the task force should propose recommendations for better addressing the liability concerns of state, tribes and local governments.

I look forward to receiving these recommendations and working together with EPA staff, as well as our partners across the federal government, in states, tribes, local communities and with potentially responsible parties and other stakeholders to improve the Superfund program. I am confident that, with a renewed sense of urgency, leadership and fresh ideas, the Superfund program can reach its full potential of returning formerly contaminated sites to communities for their beneficial use.

###

From: Jackson, Ryan

Sent: Monday, May 22, 2017 3:16 PM

To: Kelly, Albert <kelly.albert@epa.gov>; Brown, Byron <brown.byron@epa.gov>; Fotouhi, David <fotouhi.david@epa.gov>; Davis, Patrick <davis.patrick@epa.gov>; Freire, JP <Freire.JP@epa.gov>; Bowman, Liz <[Bowman.Liz@epa.gov](mailto: Bowman.Liz@epa.gov)>; Graham, Amy <graham.amy@epa.gov>; Ferguson, Lincoln <ferguson.lincoln@epa.gov>; Konkus, John <konkus.john@epa.gov>; Wilcox, Jahan <wilcox.jahan@epa.gov>

Subject:

The Administrator signed the latest superfund memo. Please send the press release ASAP.

Ryan Jackson

Chief of Staff

U.S. Environmental Protection Agency

Ex. 6 - Personal Privacy

To: Brown, Byron[brown.byron@epa.gov]
From: Kelly, Albert
Sent: Mon 5/22/2017 4:45:57 PM
Subject: RE: Infrastructure Cleanup and Reuse Initiative

Thank you:

Ex. 5 - Deliberative Process

Albert Kelly

Senior Advisor to the Administrator

1200 Pennsylvania Avenue, NW

Washington, DC 20460

202 306 8830

From: Brown, Byron
Sent: Monday, May 22, 2017 12:36 PM
To: Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Kelly, Albert <kelly.albert@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Breen, Barry <Breen.Barry@epa.gov>; Davis, Patrick <davis.patrick@epa.gov>
Cc: Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Breen, Barry <Breen.Barry@epa.gov>; Woolford, James <Woolford.James@epa.gov>; Lloyd, David <Lloyd.DavidR@epa.gov>; Cheatham, Reggie <cheatham.reggie@epa.gov>; Michaud, John <Michaud.John@epa.gov>; Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>; Leff, Karin <Leff.Karin@epa.gov>; Melvin, Karen <Melvin.Karen@epa.gov>; Falvo, Nicholas <falvo.nicholas@epa.gov>
Subject: RE: Infrastructure Cleanup and Reuse Initiative

Thanks for pulling this together:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

From: Mackey, Cyndy

Sent: Saturday, May 20, 2017 1:04 PM

To: Kelly, Albert <kelly.albert@epa.gov>; Brown, Byron <brown.byron@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Breen, Barry <Breen.Barry@epa.gov>; Davis, Patrick <davis.patrick@epa.gov>

Cc: Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Breen, Barry <Breen.Barry@epa.gov>; Woolford, James <Woolford.James@epa.gov>; Lloyd, David <Lloyd.DavidR@epa.gov>; Cheatham, Reggie <cheatham.reggie@epa.gov>; Michaud, John <Michaud.John@epa.gov>; Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>; Leff, Karin <Leff.Karin@epa.gov>; Melvin, Karen <Melvin.Karen@epa.gov>; Falvo, Nicholas <falvo.nicholas@epa.gov>

Subject: Infrastructure Cleanup and Reuse Initiative

Kell & Byron:

Attached is a draft 3 page document that sets forth proposals to enhance EPA's ability to invigorate cleanup and reuse of contaminated sites to support the Nation's infrastructure. This

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Thanks for your interest and engagement in cleaning up and reusing contaminated sites.

Cyndy Mackey

Director, Office of Site Remediation Enforcement

EPA-Office of Enforcement and Compliance Assurance (Mail Code-2271A)

1200 Pennsylvania Ave., N.W. (Room-WJC 5206) Washington, DC 20460

Ex. 6 - Personal Privacy (Direct Line)

202 564-5110 (Office Line)

Ex. 6 - Personal Privacy Office Cell)

This email is for the intended recipient only and may contain material that is privileged and/or confidential. If you believe you have received this email in error, please notify the sender. Thank you

To: Davis, Patrick[davis.patrick@epa.gov]; Fotouhi, David[fotouhi.david@epa.gov]
Cc: Brown, Byron[brown.byron@epa.gov]
From: Fonseca, Silvina
Sent: Tue 5/9/2017 4:56:29 PM
Subject: RE: CERCLA delegation

Great! **Ex. 5 - Deliberative Process; ACC**

Silvina Fonseca

Special Assistant (OLEM, OARM, OHS, OSBP and OCR)

Office of the Administrator

U.S. Environmental Protection Agency

Desk: 202.564.1955

Cell: **Ex. 6 - Personal Privacy**

From: Davis, Patrick
Sent: Tuesday, May 09, 2017 12:54 PM
To: Fotouhi, David <fotouhi.david@epa.gov>; Fonseca, Silvina <Fonseca.Silvina@epa.gov>
Cc: Brown, Byron <brown.byron@epa.gov>
Subject: RE: CERCLA delegation

Ex. 5 - Deliberative Process; ACC

Thanks,

Patrick Davis

Environmental Protection Agency

Deputy Assistant Administrator, Office of Land and Emergency Management

202-564-3103 office

Ex. 6 - Personal Privacy cell

Information sent to this email address may be subject to FOIA.

From: Fotouhi, David
Sent: Tuesday, May 9, 2017 12:50 PM
To: Fonseca, Silvina <Fonseca.Silvina@epa.gov>; Davis, Patrick <davis.patrick@epa.gov>
Cc: Brown, Byron <brown.byron@epa.gov>
Subject: RE: CERCLA delegation

Ex. 5 - Deliberative Process; ACC Thank you!

David Fotouhi

Deputy General Counsel

Office of General Counsel

U.S. Environmental Protection Agency

Tel: +1 202.564.1976

fotouhi.david@epa.gov

From: Fonseca, Silvina
Sent: Tuesday, May 9, 2017 8:47 AM
To: Fotouhi, David <fotouhi.david@epa.gov>; Davis, Patrick <davis.patrick@epa.gov>
Cc: Brown, Byron <brown.byron@epa.gov>
Subject: RE: CERCLA delegation

Byron, Patrick and David,

Ex. 5 - Deliberative Process; ACC

Ex. 5 - Deliberative Process; ACC

Thank you!

Silvina Fonseca

Special Assistant (OLEM, OARM, OHS, OSBP and OCR)

Office of the Administrator

U.S. Environmental Protection Agency

Desk: 202.564.1955

Cell: Ex. 6 - Personal Privacy

From: Fotouhi, David

Sent: Monday, May 08, 2017 12:58 PM

To: Davis, Patrick <davis.patrick@epa.gov>; Fonseca, Silvina <Fonseca.Silvina@epa.gov>

Cc: Brown, Byron <brown.byron@epa.gov>

Subject: RE: CERCLA delegation

Patrick, Silvina,

Byron and I have taken the draft cover memo and Ex. 5 - Deliberative Process; ACC

Ex. 5 - Deliberative Process; ACC

Best,

David

Ex. 5 - Deliberative Process; ACC

David Fotouhi

Deputy General Counsel

Office of General Counsel

U.S. Environmental Protection Agency

Tel: +1 202.564.1976

fotouhi.david@epa.gov

From: Fonseca, Silvina

Sent: Monday, May 8, 2017 12:40 PM

To: Davis, Patrick <davis.patrick@epa.gov>; Brown, Byron <brown.byron@epa.gov>

Cc: Fotouhi, David <fotouhi.david@epa.gov>

Subject: RE: CERCLA delegation

Thanks for the clarification.

Ex. 5 - Deliberative Process

Silvina Fonseca

Special Assistant (OLEM, OARM, OHS, OSBP and OCR)

Office of the Administrator

U.S. Environmental Protection Agency

Desk: 202.564.1955

Cell: Ex. 6 - Personal Privacy

From: Davis, Patrick

Sent: Monday, May 08, 2017 12:28 PM

To: Fonseca, Silvina <Fonseca.Silvina@epa.gov>; Brown, Byron <brown.byron@epa.gov>

Cc: Fotouhi, David <fotouhi.david@epa.gov>

Subject: RE: CERCLA delegation

Ex. 5 - Deliberative Process

Thanks,

Patrick Davis

Environmental Protection Agency

Deputy Assistant Administrator, Office of Land and Emergency Management

202-564-3103 office

Ex. 6 - Personal Privacy cell

Information sent to this email address may be subject to FOIA.

From: Fonseca, Silvina

Sent: Monday, May 8, 2017 12:10 PM

To: Davis, Patrick <davis.patrick@epa.gov>; Brown, Byron <brown.byron@epa.gov>

Cc: Fotouhi, David <fotouhi.david@epa.gov>

Subject: RE: CERCLA delegation

Hi Patrick,

Ex. 5 - Deliberative Process

Silvina Fonseca

Special Assistant (OLEM, OARM, OHS, OSBP and OCR)

Office of the Administrator

U.S. Environmental Protection Agency

Desk: 202.564.1955

Cell: Ex. 6 - Personal Privacy

From: Davis, Patrick
Sent: Monday, May 08, 2017 11:21 AM
To: Brown, Byron <brown.byron@epa.gov>; Fonseca, Silvina <Fonseca.Silvina@epa.gov>
Cc: Fotouhi, David <fotouhi.david@epa.gov>
Subject: RE: CERCLA delegation

Ex. 5 - Deliberative Process

Patrick Davis

Environmental Protection Agency

Deputy Assistant Administrator, Office of Land and Emergency Management

202-564-3103 office

Ex. 6 - Personal Privacy cell

Information sent to this email address may be subject to FOIA.

From: Brown, Byron
Sent: Monday, May 8, 2017 11:20 AM
To: Davis, Patrick <davis.patrick@epa.gov>; Fonseca, Silvina <Fonseca.Silvina@epa.gov>
Cc: Fotouhi, David <fotouhi.david@epa.gov>
Subject: RE: CERCLA delegation

Hi Patrick,

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

From: Davis, Patrick
Sent: Monday, May 8, 2017 8:24 AM

To: Fonseca, Silvina <Fonseca.Silvina@epa.gov>
Cc: Brown, Byron <brown.byron@epa.gov>; Fotouhi, David <fotouhi.david@epa.gov>
Subject: CERCLA delegation

Hi Silvina,

Ex. 5 - Deliberative Process

Thanks,

Patrick Davis

Environmental Protection Agency

Deputy Assistant Administrator, Office of Land and Emergency Management

202-564-3103 office

Ex. 6 - Personal Privacy cell

Information sent to this email address may be subject to FOIA.

From: Davis, Patrick
Sent: Wednesday, May 3, 2017 4:17 PM
To: Brown, Byron <brown.byron@epa.gov>
Cc: Breen, Barry <Breen.Barry@epa.gov>; Fotouhi, David <fotouhi.david@epa.gov>
Subject: FW: Draft delegation

Byron,

Attached is where we have landed on CERCLA delegation.

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Thanks,

Patrick Davis

Environmental Protection Agency

Deputy Assistant Administrator, Office of Land and Emergency Management

202-564-3103 office

Ex. 6 - Personal Privacy cell

Information sent to this email address may be subject to FOIA.

From: Breen, Barry
Sent: Wednesday, May 3, 2017 3:52 PM
To: Davis, Patrick <davis.patrick@epa.gov>
Subject: FW: Draft delegation

I didn't see you cc'd on this.

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

B.

From: Lewis, Jen
Sent: Wednesday, May 03, 2017 2:53 PM
To: Breen, Barry <Breen.Barry@epa.gov>
Cc: Hogan, Joanne <Hogan.Joanne@epa.gov>; Melvin, Karen <Melvin.Karen@epa.gov>; Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>; Woolford, James

<Woolford.James@epa.gov>; Openchowski, Charles <openchowski.charles@epa.gov>;
Michaud, John <Michaud.John@epa.gov>; Hilosky, Nick <Hilosky.Nick@epa.gov>; Stalcup,
Dana <Stalcup.Dana@epa.gov>
Subject: RE: Draft delegation

Barry,

Ex. 5 - Deliberative Process; ACC

Jen

Jen Lewis

Deputy Associate General Counsel

Solid Waste and Emergency Response Law Office

(202) 564-2097

To: Fotouhi, David[fotouhi.david@epa.gov]; Kelly, Albert[kelly.albert@epa.gov]
Cc: Brown, Byron[brown.byron@epa.gov]
From: Davis, Patrick
Sent: Tue 5/9/2017 1:43:14 PM
Subject: RE: Draft Memo re Superfund Revitalization

David,

Ex. 5 - Deliberative Process; ACC

Thanks,

Patrick Davis

Environmental Protection Agency

Deputy Assistant Administrator, Office of Land and Emergency Management

202-564-3103 office

Ex. 6 - Personal Privacy cell

Information sent to this email address may be subject to FOIA.

From: Fotouhi, David
Sent: Tuesday, May 9, 2017 8:46 AM
To: Kelly, Albert <kelly.albert@epa.gov>; Davis, Patrick <davis.patrick@epa.gov>
Cc: Brown, Byron <brown.byron@epa.gov>
Subject: RE: Draft Memo re Superfund Revitalization

Kell, Patrick,

I hope you're both doing well

Ex. 5 - Deliberative Process; ACC

Ex. 5 - Deliberative Process; ACC

Ex. 5 - Deliberative Process; ACC

Thank you!

Best,

David

David Fotouhi

Deputy General Counsel

Office of General Counsel

U.S. Environmental Protection Agency

Tel: +1 202.564.1976

fotouhi.david@epa.gov

From: Kelly, Albert

Sent: Thursday, May 4, 2017 12:07 PM

To: Fotouhi, David <fotouhi.david@epa.gov>

Cc: Davis, Patrick <davis.patrick@epa.gov>; Brown, Byron <brown.byron@epa.gov>

Subject: Re: Draft Memo re Superfund Revitalization

Ex. 5 - Deliberative Process; ACC

Sent from my iPhone

On May 4, 2017, at 8:24 AM, Fotouhi, David <fotouhi.david@epa.gov> wrote:

Patrick, Kell,

Attached to this e-mail is a draft memorandum on the Superfund revitalization initiative that

Ex. 5 - Deliberative Process; ACC

If either of you have any comments or suggestions, please let me know.

Ex. 5 - Deliberative Process; ACC

Ex. 5 - Deliberative Process; ACC

Best,

David

David Fotouhi

Deputy General Counsel

Office of General Counsel

U.S. Environmental Protection Agency

Tel: +1 202.564.1976

fotouhi.david@epa.gov

<Superfund-Draft ESP Memo-050417.docx>

To: Brown, Byron[brown.byron@epa.gov]; Fotouhi, David[fotouhi.david@epa.gov]
From: Jackson, Ryan
Sent: Tue 5/9/2017 1:08:15 PM
Subject: RE:

Thank you. Good progress.

From: Brown, Byron
Sent: Tuesday, May 9, 2017 8:48 AM
To: Jackson, Ryan <jackson.ryan@epa.gov>; Fotouhi, David <fotouhi.david@epa.gov>
Subject: RE:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

From: Jackson, Ryan
Sent: Tuesday, May 9, 2017 8:32 AM
To: Brown, Byron <brown.byron@epa.gov>; Fotouhi, David <fotouhi.david@epa.gov>
Subject:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Ryan Jackson

Chief of Staff

U.S. Environmental Protection Agency

Ex. 6 - Personal Privacy

To: Kelly, Albert[kelly.albert@epa.gov]; Davis, Patrick[davis.patrick@epa.gov]
Cc: Brown, Byron[brown.byron@epa.gov]
From: Fotouhi, David
Sent: Tue 5/9/2017 12:45:52 PM
Subject: RE: Draft Memo re Superfund Revitalization
Superfund-Draft ESP Memo-050417.docx

Kell, Patrick,

I hope you're both doing well.

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Best,

David

David Fotouhi

Deputy General Counsel

Office of General Counsel

U.S. Environmental Protection Agency

Tel: +1 202.564.1976

fotouhi.david@epa.gov

From: Kelly, Albert

Sent: Thursday, May 4, 2017 12:07 PM

To: Fotouhi, David <fotouhi.david@epa.gov>

Cc: Davis, Patrick <davis.patrick@epa.gov>; Brown, Byron <brown.byron@epa.gov>

Subject: Re: Draft Memo re Superfund Revitalization

Ex. 5 - Deliberative Process

Sent from my iPhone

On May 4, 2017, at 8:24 AM, Fotouhi, David <fotouhi.david@epa.gov> wrote:

Patrick, Kell,

Attached to this e-mail is a draft memorandum on the Superfund revitalization initiative that

Ex. 5 - Deliberative Process

If either of you have any comments or suggestions, please let me know.

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Best,

David

David Fotouhi

Deputy General Counsel

Office of General Counsel

U.S. Environmental Protection Agency

Tel: +1 202.564.1976

fotouhi.david@epa.gov

<Superfund-Draft ESP Memo-050417.docx>

To: Brown, Byron[brown.byron@epa.gov]
From: Dickerson, Aaron
Sent: Fri 3/10/2017 8:37:53 PM
Subject: FW: EPA Solution for Toxic Waste Destruction
Cement Lock Conf. Handout.pdf
Scott Pruitt Letter 2.21.2017.pdf

Byron

Here is another meeting request

Ex. 5 - Deliberative Process

Thank you.

Aaron Dickerson

Office of the Administrator

U.S. EPA

Phone: 202-564-1783

Fax: 202-501-1338

From: Pruitt, Scott
Sent: Friday, March 3, 2017 3:40 PM
To: CMS.OEX <CMS.OEX@epa.gov>
Cc: Dickerson, Aaron <dickerson.aaron@epa.gov>
Subject: Fw: EPA Solution for Toxic Waste Destruction

From: Bill Cutler <Ex. 6 - Personal Privacy>
Sent: Tuesday, February 21, 2017 7:32 PM
To: Pruitt, Scott
Cc: 'Al Hendricks'
Subject: EPA Solution for Toxic Waste Destruction

Dear EPA Administrator Scott Pruitt:

Attached is a letter from Al Hendricks, CEO of Volcano Partners, describing the EPA's solution for the permanent destruction of the toxicity of waste & materials stored in landfills or dumped in Superfund sites. Al would like to schedule a meeting to review this technology funded by, and developed for the EPA and Army Corps of Engineers. Please let us know who we may contact to schedule the meeting.

Regards,

Bill Cutler

Volcano Partners, LLC

350 Fifth Avenue, Suite 5310

New York, NY 10118

T — Ex. 6 - Personal Privacy

www.cement-lock.com



Email: Pruitt.Scott@epa.gov

February 21, 2017

Scott Pruitt, EPA Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

TOXIC AND SUPERFUND MATERIAL DESTRUCTION

Dear Mr. Pruitt:

Congratulations with your Senate Confirmation as EPA Administrator. After many years of research funded by the EPA and Army Corps of Engineers, (*with management support provided by the DOE's Brookhaven National Laboratory*) a one-step manufacturing process was developed that permanently removes toxic materials from the environment and creates beneficial -use products. The process was labeled "Cement-Lock".

Cement-Lock is a process that creates sustainable beneficial-use products that comply with the EPA's preferred treatment under CERCLA Title 121. The process provides for the permanent removal from the environment of toxic materials that present health risks to the public, achieving a DRE of 99.9999%. It converts any toxic material (*organic and/or inorganic*) into a valuable non -hazardous pozzolan called "Ecomelt", useful in the construction trades. The production of electricity, purified water and steam are residual benefits available to communities from Cement -Lock manufacturing operations.

The Cement-Lock technology meets the EPA's regulatory requirements for leachability under TCLP testing. It also meets the EPA's CERCLA and RCRA clean-up standards for organic contaminants including dioxins, PCBs and pesticides / herbicides. Air Pollution Control equipment used in Cement-Lock operations meets or exceeds the EPA's 2014 compulsory air quality regulations.

A senior team member of Volcano Partners includes Robert (Bob) Fabricant, a leader in environmental legislation and compliance. Bob has been General Counsel of the U.S. EPA managing more than 300 attorneys; and managed more than 20 attorneys as Chief Counsel (*and Deputy Chief Counsel*) to the Office of the Governor in New Jersey.

With the implementation of the Cement -Lock process, storage of hazardous waste in landfills, C DFs and CADs are no longer required. Corporate liability may be eliminated, or at least substantially reduced, allowing businesses to better invest their economic resources for new product development, research programs and hiring more workers. Economic value is created instead of investing capital into prolonged and unnecessary litigation.

Cement-Lock has been called a “Game-Changing” technology by the Passaic River Coalition and the EPA’s advisory council, NACEPT. It may be implemented on a national basis at all Superfund sites. As the new EPA Administrator with a mandate from President Trump to focus upon growing American businesses, rebuilding the Country’s infrastructure, eliminating wasteful spending from EPA regulation & litigation, hiring new workers and stimulating the economy, we wanted you to be aware of this process with multiple environmental benefits that significantly reduces the cost of cement. We are pleased to meet with you and your staff to share the application of this new, cost effective technology that has tremendous application within the U.S. as well as other global communities. Please visit our web site for more information and let us know whether you might have any questions.

Regards,



Al Hendricks
Chairman and CEO

Ph: **Ex. 6 - Personal Privacy**

Email: **Ex. 6 - Personal Privacy**

To: Kelly, Albert[kelly.albert@epa.gov]; Jackson, Ryan[jackson.ryan@epa.gov]
Cc: Fonseca, Silvina[Fonseca.Silvina@epa.gov]; Brown, Byron[brown.byron@epa.gov]; Fotouhi, David[fotouhi.david@epa.gov]
From: Davis, Patrick
Sent: Mon 5/22/2017 2:45:00 PM
Subject: Superfund-Draft ESP Memo-051917.docx
Superfund-Draft ESP Memo-051917.docx

WIF: Ex. 5 - Deliberative Process; ACC

Attached is the most current version of the Superfund task force memo.

Ex. 5 - Deliberative Process; ACC

Ex. 5 - Deliberative Process; ACC

patrick

To: Brown, Byron[brown.byron@epa.gov]
Cc: Falvo, Nicholas[falvo.nicholas@epa.gov]
From: Kelly, Albert
Sent: Mon 5/22/2017 12:25:13 PM
Subject: FW: Infrastructure Cleanup and Reuse Initiative
Draft infrastructure cleanup-reuse memo.5-20-17.docx.docx

WIF: Ex. 5 - Deliberative Process; ACC

Ex. 5 - Deliberative Process; ACC

Please advise if this is close to what you were wanting. Thanks.

Albert Kelly

Senior Advisor to the Administrator

1200 Pennsylvania Avenue, NW

Washington, DC 20460

202 306 8830

From: Mackey, Cyndy

Sent: Saturday, May 20, 2017 1:04 PM

To: Kelly, Albert <kelly.albert@epa.gov>; Brown, Byron <brown.byron@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Breen, Barry <Breen.Barry@epa.gov>; Davis, Patrick <davis.patrick@epa.gov>

Cc: Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Breen, Barry <Breen.Barry@epa.gov>; Woolford, James <Woolford.James@epa.gov>; Lloyd, David <Lloyd.DavidR@epa.gov>; Cheatham, Reggie <cheatham.reggie@epa.gov>; Michaud, John <Michaud.John@epa.gov>; Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>; Leff, Karin <Leff.Karin@epa.gov>; Melvin, Karen <Melvin.Karen@epa.gov>; Falvo, Nicholas <falvo.nicholas@epa.gov>

Subject: Infrastructure Cleanup and Reuse Initiative

Kell & Byron:

Attached is a draft 3 page document that sets forth proposals Ex. 5 - Deliberative Process; ACC

Ex. 5 - Deliberative Process; ACC

Ex. 5 - Deliberative Process; ACC

Ex. 5 - Deliberative Process; ACC

Thanks for your interest and engagement in cleaning up and reusing contaminated sites.

Cyndy Mackey

Director, Office of Site Remediation Enforcement

EPA-Office of Enforcement and Compliance Assurance (Mail Code-2271A)

1200 Pennsylvania Ave., N.W. (Room-WJC 5206) Washington, DC 20460

Ex. 6 - Personal Privacy (Direct Line)

202 564-5110 (Office Line)

Ex. 6 - Personal Privacy Office Cell)

This email is for the intended recipient only and may contain material that is privileged and/or confidential. If you believe you have received this email in error, please notify the sender. Thank you

To: Davis, Patrick[davis.patrick@epa.gov]; Kelly, Albert[kelly.albert@epa.gov]; Brown, Byron[brown.byron@epa.gov]
From: Fotouhi, David
Sent: Mon 5/22/2017 12:07:43 PM
Subject: RE: Superfund Revitalization Memo - OSRE Suggestions

Ex. 5 - Deliberative Process; ACC

Best,

David

David Fotouhi

Deputy General Counsel

Office of General Counsel

U.S. Environmental Protection Agency

Tel: +1 202.564.1976

fotouhi.david@epa.gov

From: Davis, Patrick
Sent: Friday, May 19, 2017 6:49 PM
To: Kelly, Albert <kelly.albert@epa.gov>; Fotouhi, David <fotouhi.david@epa.gov>; Brown, Byron <brown.byron@epa.gov>
Subject: FW: Superfund Revitalization Memo - OSRE Suggestions

Kell, David and Byron,

Please see suggested edits to the Superfund task force memo from Cyndy Mackey below. I

Ex. 5 - Deliberative Process; ACC

Thanks,

Patrick Davis

Environmental Protection Agency

Deputy Assistant Administrator, Office of Land and Emergency Management

202-564-3103 office

Ex. 6 - Personal Privacy cell

Information sent to this email address may be subject to FOIA.

From: Mackey, Cyndy

Sent: Friday, May 19, 2017 6:34 PM

To: Kelly, Albert <kelly.albert@epa.gov>; Davis, Patrick <davis.patrick@epa.gov>

Cc: Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Woolford, James <Woolford.James@epa.gov>; DeLeon, Rafael <Deleon.Rafael@epa.gov>; Fonseca, Silvina <Fonseca.Silvina@epa.gov>; Falvo, Nicholas <falvo.nicholas@epa.gov>

Subject: FW: Superfund Revitalization Memo - OSRE Suggestions

Kell and Patrick:

Ex. 5 - Deliberative Process; ACC

Ex. 5 - Deliberative Process; ACC

Rationale For Proposed Edits

Ex. 5 - Deliberative Process; ACC

Let me know if you would like further information. Thanks.

Cyndy Mackey

Director, Office of Site Remediation Enforcement

EPA-Office of Enforcement and Compliance Assurance (Mail Code-2271A)

1200 Pennsylvania Ave., N.W. (Room-WJC 5206) Washington, DC 20460

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202 564-5110 (Office Line)

Ex. 6 - Personal Privacy (Office Cell)

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From: Fonseca, Silvina

Sent: Friday, May 19, 2017 1:39 AM

To: Breen, Barry <Breen.Barry@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Davis, Patrick <davis.patrick@epa.gov>

Cc: Woolford, James <Woolford.James@epa.gov>; Stalcup, Dana <Stalcup.Dana@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; DeLeon, Rafael <Deleon.Rafael@epa.gov>; Hilosky, Nick <Hilosky.Nick@epa.gov>; Brooks, Becky <Brooks.Becky@epa.gov>; Threet, Derek <Threet.Derek@epa.gov>; Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>; Gervais, Gregory <Gervais.Gregory@epa.gov>

Subject: Superfund Revitalization Memo and an additional ask (ICs)

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

will be out of the office tomorrow but will be available by cell phone (see number below) if you have any questions.

An additional ask (ICs):

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process This is also due by **Monday, May 20th**. I spoke to Jim Woolford about this, due to the short time frame to meet this request. Please let me know if you have any questions. I will be available by cell phone tomorrow.

Thank you!

Silvina Fonseca

Special Assistant (OLEM, OARM, OHS, OSBP and OCR)

Office of the Administrator

U.S. Environmental Protection Agency

Desk: 202.564.1955

Cell: Ex. 6 - Personal Privacy

To: Kelly, Albert[kelly.albert@epa.gov]; Brown, Byron[brown.byron@epa.gov]; Starfield, Lawrence[Starfield.Lawrence@epa.gov]; Breen, Barry[Breen.Barry@epa.gov]; Davis, Patrick[davis.patrick@epa.gov]
Cc: Starfield, Lawrence[Starfield.Lawrence@epa.gov]; Breen, Barry[Breen.Barry@epa.gov]; Woolford, James[Woolford.James@epa.gov]; Lloyd, David[Lloyd.DavidR@epa.gov]; Cheatham, Reggie[cheatham.reggie@epa.gov]; Michaud, John[Michaud.John@epa.gov]; Bertrand, Charlotte[Bertrand.Charlotte@epa.gov]; Leff, Karin[Leff.Karin@epa.gov]; Melvin, Karen[Melvin.Karen@epa.gov]; Falvo, Nicholas[falvo.nicholas@epa.gov]
From: Mackey, Cyndy
Sent: Sat 5/20/2017 5:04:24 PM
Subject: Infrastructure Cleanup and Reuse Initiative
[Draft infrastructure cleanup-reuse memo.5-20-17.docx.docx](#)

WIF: Ex. 5 - Deliberative Process

Kell & Byron:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

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Thanks for your interest and engagement in cleaning up and reusing contaminated sites.

Cyndy Mackey

Director, Office of Site Remediation Enforcement

EPA-Office of Enforcement and Compliance Assurance (Mail Code-2271A)

1200 Pennsylvania Ave., N.W. (Room-WJC 5206) Washington, DC 20460

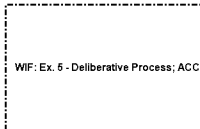
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To: Kelly, Albert[kelly.albert@epa.gov]; Fotouhi, David[fotouhi.david@epa.gov]; Brown, Byron[brown.byron@epa.gov]
From: Davis, Patrick
Sent: Fri 5/19/2017 10:48:31 PM
Subject: FW: Superfund Revitalization Memo - OSRE Suggestions
Superfund-Draft ESP Memo-050917 (002) OSRE Comments.docx



Kell, David and Byron,

Please see suggested edits to the Superfund task force memo from Cyndy Mackey below. I

Ex. 5 - Deliberative Process; ACC

Thanks,

Patrick Davis

Environmental Protection Agency

Deputy Assistant Administrator, Office of Land and Emergency Management

202-564-3103 office

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Information sent to this email address may be subject to FOIA.

From: Mackey, Cyndy
Sent: Friday, May 19, 2017 6:34 PM
To: Kelly, Albert <kelly.albert@epa.gov>; Davis, Patrick <davis.patrick@epa.gov>
Cc: Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Woolford, James <Woolford.James@epa.gov>; DeLeon, Rafael <Deleon.Rafael@epa.gov>; Fonseca, Silvina <Fonseca.Silvina@epa.gov>; Falvo, Nicholas <falvo.nicholas@epa.gov>
Subject: FW: Superfund Revitalization Memo - OSRE Suggestions

Kell and Patrick:

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Rationale For Proposed Edits

Ex. 5 - Deliberative Process

Let me know if you would like further information. Thanks.

Cyndy Mackey

Director, Office of Site Remediation Enforcement

EPA-Office of Enforcement and Compliance Assurance (Mail Code-2271A)

1200 Pennsylvania Ave., N.W. (Room-WJC 5206) Washington, DC 20460

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202 564-5110 (Office Line)

Ex. 6 - Personal Privacy Office Cell)

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Sent: Friday, May 19, 2017 1:39 AM

To: Breen, Barry <Breen.Barry@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Davis, Patrick <davis.patrick@epa.gov>

Cc: Woolford, James <Woolford.James@epa.gov>; Stalcup, Dana <Stalcup.Dana@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; DeLeon, Rafael <Deleon.Rafael@epa.gov>; Hilosky, Nick <Hilosky.Nick@epa.gov>; Brooks, Becky <Brooks.Becky@epa.gov>; Threet, Derek <Threet.Derek@epa.gov>; Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>; Gervais, Gregory <Gervais.Gregory@epa.gov>

Subject: Superfund Revitalization Memo and an additional ask (ICs)

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or
in

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I will be out of the office tomorrow but will be available by cell phone (see number below) if you have any questions.

An additional ask (ICs):

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Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process Please let me know if you have any questions. I will be available by cell phone tomorrow.

Thank you!

Silvina Fonseca

Special Assistant (OLEM, OARM, OHS, OSBP and OCR)

Office of the Administrator

U.S. Environmental Protection Agency

Desk: 202.564.1955

Cell: Ex. 6 - Personal Privacy

From: Falvo, Nicholas
Location: 4144 WJC-W
Importance: Normal
Subject: Federal Facilities Briefing
Start Date/Time: Fri 5/19/2017 1:00:00 PM
End Date/Time: Fri 5/19/2017 2:00:00 PM
FFRRO-FFEO Reuse ppt 5.19.2017.pdf

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Call In Number

Conference Cod

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To: Breen, Barry[Breen.Barry@epa.gov]; Davis, Patrick[davis.patrick@epa.gov]; Brown, Byron[brown.byron@epa.gov]; Falvo, Nicholas[falvo.nicholas@epa.gov]; Hilosky, Nick[Hilosky.Nick@epa.gov]; Bertrand, Charlotte[Bertrand.Charlotte@epa.gov]; Kelly, Albert[kelly.albert@epa.gov]; Fonseca, Silvina[Fonseca.Silvina@epa.gov]; Mackey, Cyndy[Mackey.Cyndy@epa.gov]; Gervais, Gregory[Gervais.Gregory@epa.gov]; Stalcup, Dana[Stalcup.Dana@epa.gov]; Leff, Karin[Leff.Karin@epa.gov]; Lloyd, David[Lloyd.DavidR@epa.gov]; Morey, Debra[Morey.Debi@epa.gov]; DeLeon, Rafael[Deleon.Rafael@epa.gov]; Simon, Nigel[Simon.Nigel@epa.gov]; Brooks, Becky[Brooks.Becky@epa.gov]; Melvin, Karen[Melvin.Karen@epa.gov]; Leonard, Paul[leonard.paul@epa.gov]; Gartner, Lois[Gartner.Lois@epa.gov]; Healy, Helena[Healy.Helena@epa.gov]; Barr, Pamela[Barr.Pamela@epa.gov]; Jennings, Robert[Jennings.Robert@epa.gov]; Gardner, Monica[Gardner.Monica@epa.gov]; Patterson, Kenneth[Patterson.Kenneth@epa.gov]
From: Woolford, James
Sent: Fri 5/19/2017 6:53:12 PM
Subject: FW: SF Efficiencies Matrix
SF Efficiencies Matrix 5 3 17 .docx

WIF: Ex. 5 - Deliberative Process

Version from earlier this week.

Sent from my Windows Phone

From: Gartner, Lois
Sent: 5/15/2017 10:00 AM
To: OLEM OSRTI IO
Subject: SF Efficiencies Matrix

Lois Haas Gartner

Special Assistant

Office of Superfund Remediation

and Technology Innovation

U.S. Environmental Protection Agency

703.603.8711 (desk)

Ex. 6 - Personal Privacy (cell)

To: Brown, Byron[brown.byron@epa.gov]
From: Fotouhi, David
Sent: Wed 5/3/2017 1:59:16 PM
Subject: Draft Memo re Superfund Revitalization
Draft Memo from ESP re Superfund Revitalization.docx

WIF: Ex. 5 - Deliberative Process; ACC

Byron:

I have attached a draft memo on Superfund revitalization for your review and consideration.

Ex. 5 - Deliberative Process; ACC

Best,

David

David Fotouhi

Deputy General Counsel

Office of General Counsel

U.S. Environmental Protection Agency

Tel: +1 202.564.1976

fotouhi.david@epa.gov

To: Woolford, James[Woolford.James@epa.gov]
Cc: Davis, Patrick[davis.patrick@epa.gov]; Breen, Barry[Breen.Barry@epa.gov]; Brown, Byron[brown.byron@epa.gov]; Michaud, John[Michaud.John@epa.gov]; Lewis, Jen[Lewis.Jen@epa.gov]; Bertrand, Charlotte[Bertrand.Charlotte@epa.gov]; Melvin, Karen[Melvin.Karen@epa.gov]
From: Fotouhi, David
Sent: Wed 5/3/2017 11:14:54 AM
Subject: Re: NRRB - Data FY13 thru FY16

Very helpful. Thank you!

Sent from my iPhone

On May 2, 2017, at 10:56 PM, Woolford, James <Woolford.James@epa.gov> wrote:

Ex. 5 - Deliberative Process; ACC

Sent from my Windows Phone

From: Ammon, Doug
Sent: 5/2/2017 8:26 PM
To: Fitz-James, Schatzi; Stalcup, Dana; Woolford, James
Cc: Legare, Amy
Subject: NRRB - Data FY13 thru FY16

The attached file has information from NRRB reviews conducted in FY13 thru FY16.

Ex. 5 - Deliberative Process; ACC

Ex. 5 - Deliberative Process; ACC

Ex. 5 - Deliberative Process; ACC

Ex. 5 - Deliberative Process; ACC

Ex. 5 - Deliberative Process; ACC

Ex. 5 - Deliberative Process; ACC

Douglas Ammon, P.E.
Chief, Site Assessment and Remedy Decisions Branch
Superfund Program U.S. EPA Mail Code 5204P
1200 Pennsylvania Ave. N.W.
Washington DC 20460
703-347-8925

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<NRRB.xlsx>

To: Jackson, Ryan[jackson.ryan@epa.gov]
Cc: Kelly, Albert[kelly.albert@epa.gov]; Brown, Byron[brown.byron@epa.gov]; Davis, Patrick[davis.patrick@epa.gov]
From: Fotouhi, David
Sent: Sat 4/29/2017 11:31:29 PM
Subject: Re: Today's AROW meeting tentative agenda.

Thank you, Ryan. Will do.

Best,

David

Sent from my iPhone

> On Apr 29, 2017, at 7:13 PM, Jackson, Ryan <jackson.ryan@epa.gov> wrote:
>

Ex. 5 - Deliberative Process

> Thanks.

>

>

> -----Original Message-----

> From: Jackson, Ryan [mailto:jackson.ryan@epa.gov]

> Sent: Thursday, April 27, 2017 6:08 AM

> To: Kelly, Albert <kelly.albert@epa.gov>; Fotouhi, David <fotouhi.david@epa.gov>; Brown, Byron <brown.byron@epa.gov>; Davis, Patrick <davis.patrick@epa.gov>

> Subject: Today's AROW meeting tentative agenda.

>

> Please plan to join the AROW meeting this afternoon. For today's AROW meeting, here are items which the companies would like to raise to help streamline the superfund process.

>

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>
> Ryan Jackson
> Chief of Staff
> U.S. EPA
> Ex. 6 - Personal Privacy

To: Jackson, Ryan[jackson.ryan@epa.gov]
Cc: Dravis, Samantha[dravis.samantha@epa.gov]; Brown, Byron[brown.byron@epa.gov]
From: Bennett, Tate
Sent: Sun 3/26/2017 3:20:51 PM
Subject: For your sign off- EPA Fed Facilities Testimony
EPA Fed Facilities Testimony SEPW -draft.docx
ATT00001.htm

WIF: Ex. 5 - Deliberative Process

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Sent from my iPhone

Begin forwarded message:

From: "Levine, Carolyn" <Levine.Carolyn@epa.gov>
Date: March 24, 2017 at 6:04:10 PM EDT
To: "Bennett, Tate" <Bennett.Tate@epa.gov>, "Richardson, RobinH" <Richardson.RobinH@epa.gov>
Subject: EPA Fed Facilities Testimony SEPW -draft.docx

Tate,

Per our conversation, the attached includes

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Thanks,

Carolyn

To: Brown, Byron[brown.byron@epa.gov]; Dravis, Samantha[dravis.samantha@epa.gov]
Cc: Richardson, RobinH[Richardson.RobinH@epa.gov]
From: Bennett, Tate
Sent: Fri 3/24/2017 7:05:04 PM
Subject: FW: EPA draft testimony for OMB review
EPA Fed Facilities Testimony SEPW for 3.29.17.docx

WIF: Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

From: Levine, Carolyn
Sent: Friday, March 24, 2017 2:55 PM
To: Richardson, RobinH <Richardson.RobinH@epa.gov>; Bennett, Tate <Bennett.Tate@epa.gov>
Subject: FW: EPA draft testimony for OMB review

Hi Robin and Tate,

I just received this draft testimony for review

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Thanks,

Carolyn

Carolyn Levine

Office of Congressional and

Intergovernmental Relations

U.S. EPA

(202) 564-1859

levine.carolyn@epa.gov

From: Hupp, Sydney
Location: Administrator's Office
Importance: Normal
Subject: Meeting with Waste Management
Start Date/Time: Fri 3/31/2017 2:00:00 PM
End Date/Time: Fri 3/31/2017 2:30:00 PM

Topic: opportunities for regulatory innovation and improvement; very active with the rest of the business community and with municipal government on ways EPA programs could become more efficient and closely aligned with statutory goals; hoping we can be a resource for the Administrator, particularly in terms of ideas for ways to meet his goal of facilitating progress in working through the Superfund pipeline, sustaining some essential research and educational functions for RCRA, and improving the roll-out of recently promulgated air standards for municipal landfills; this would be a policy discussion about some key EPA programs

Location: Administrator's Office

Attendees: Admin. Pruitt, Byron Brown, Sue Briggum

Staffing: Byron Brown

POC: Sue Briggum; Ex. 6 - Personal Privacy

To: Brown, Byron[brown.byron@epa.gov]
From: Fonseca, Silvina
Sent: Thur 3/23/2017 2:40:06 PM
Subject: RE: Next Steps for Superfund Revitalization Effort

Hi Byron,

Ex. 5 - Deliberative Process

Silvina Fonseca

Special Assistant (OLEM, OARM, OHS, OSBP and OCR)

Office of the Administrator

U.S. Environmental Protection Agency

Desk: 202.564.1955

Cell: Ex. 6 - Personal Privacy

From: Brown, Byron
Sent: Wednesday, March 22, 2017 7:03 PM
To: Mackey, Cyndy <Mackey.Cyndy@epa.gov>
Cc: Woolford, James <Woolford.James@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Breen, Barry <Breen.Barry@epa.gov>; Fonseca, Silvina <Fonseca.Silvina@epa.gov>

Subject: RE: Next Steps for Superfund Revitalization Effort

Thanks for

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

From: Mackey, Cyndy

Sent: Wednesday, March 22, 2017 5:02 PM

To: Brown, Byron <brown.byron@epa.gov>

Cc: Woolford, James <Woolford.James@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Breen, Barry <Breen.Barry@epa.gov>

Subject: Next Steps for Superfund Revitalization Effort

Importance: High

Byron

I am writing to you to clarify the

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Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Please also let us know if you are available to meet on Friday or Monday to further refine the approach.

Thank you.

Cyndy Mackey

Director, Office of Site Remediation Enforcement

EPA-Office of Enforcement and Compliance Assurance (Mail Code-2271A)

1200 Pennsylvania Ave., N.W. (Room-WJC 5206) Washington, DC 20460

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To: Brown, Byron[brown.byron@epa.gov]; Mackey, Cyndy[Mackey.Cyndy@epa.gov]
Cc: Woolford, James[Woolford.James@epa.gov]; Starfield, Lawrence[Starfield.Lawrence@epa.gov]; Breen, Barry[Breen.Barry@epa.gov]
From: Fonseca, Silvina
Sent: Thur 3/23/2017 2:39:18 AM
Subject: RE: Next Steps for Superfund Revitalization Effort

Byron,

Ex. 5 - Deliberative Process

Silvina Fonseca

Special Assistant (OLEM, OARM, OHS, OSBP and OCR)

Office of the Administrator

U.S. Environmental Protection Agency

Desk: 202.564.1955

Cell: Ex. 6 - Personal Privacy

From: Brown, Byron
Sent: Wednesday, March 22, 2017 7:03 PM
To: Mackey, Cyndy <Mackey.Cyndy@epa.gov>
Cc: Woolford, James <Woolford.James@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Breen, Barry <Breen.Barry@epa.gov>; Fonseca, Silvina <Fonseca.Silvina@epa.gov>
Subject: RE: Next Steps for Superfund Revitalization Effort

Thanks for

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

From: Mackey, Cyndy
Sent: Wednesday, March 22, 2017 5:02 PM
To: Brown, Byron <brown.byron@epa.gov>
Cc: Woolford, James <Woolford.James@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Breen, Barry <Breen.Barry@epa.gov>
Subject: Next Steps for Superfund Revitalization Effort
Importance: High

Byron

Ex. 5 - Deliberative Process

Please also let us know if you are available to meet on Friday or Monday to further refine the approach.

Thank you.

Cyndy Mackey

Director, Office of Site Remediation Enforcement

EPA-Office of Enforcement and Compliance Assurance (Mail Code-2271A)

1200 Pennsylvania Ave., N.W. (Room-WJC 5206) Washington, DC 20460

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202 564-5110 (Office Line)

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To: Brown, Byron[brown.byron@epa.gov]
Cc: Woolford, James[Woolford.James@epa.gov]; Starfield, Lawrence[Starfield.Lawrence@epa.gov]; Breen, Barry[Breen.Barry@epa.gov]
From: Mackey, Cyndy
Sent: Wed 3/22/2017 9:01:33 PM
Subject: Next Steps for Superfund Revitalization Effort
[Burlington Northern Sup Ct Decision.pdf](#)
[Burlington Northern Summary.docx](#) Ex. 5 - Deliberative Process

Byron

Ex. 5 - Deliberative Process

Please also let us know if you are available to meet on Friday or Monday to further refine the approach.

Thank you.

Cyndy Mackey

Director, Office of Site Remediation Enforcement

EPA-Office of Enforcement and Compliance Assurance (Mail Code-2271A)

1200 Pennsylvania Ave., N.W. (Room-WJC 5206) Washington, DC 20460

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202 564-5110 (Office Line)

Ex. 6 - Personal Privacy (Office Cell)

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To: Brown, Byron[brown.byron@epa.gov]
Cc: Woolford, James[Woolford.James@epa.gov]; Starfield, Lawrence[Starfield.Lawrence@epa.gov]; Cozad, David[Cozad.David@epa.gov]; DeLeon, Rafael[Deleon.Rafael@epa.gov]
From: Mackey, Cyndy
Sent: Wed 3/8/2017 11:01:44 PM
Subject: FW: Cleanup & Redevelopment -- Coordinated Response
[Numbers At A Glance National FY16 EOY 1-4-17.xlsx](#)
[Celotex Case Study.pdf](#)
[Nonliable cleanup examples.docx](#)


 [Enforcement's Role in Reuse 1-Pager 3-8-17.docx](#)

Byron:

Thanks for spending so much time with us yesterday to talk about Superfund, enforcement and redevelopment.

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The *Numbers At A Glance* (attached above) is

Ex. 5 - Deliberative Process

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The Superfund Enforcement Cleanup Work Map

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The map is located on the Agency's website at <https://gispub.epa.gov/oeca/WOS/>

Attached above is a one-pager with more details on enforcement's role in redevelopment (*Enforcement's Role in Reuse*) as well as a fact sheet on the Celotex site,

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<https://www.epa.gov/enforcement/report-midvale-slag-bingham-junction-superfund-success-story> and <https://www.epa.gov/enforcement/case-study-cleanup-puma-energy-caribe-site-puerto-rico>

The Top Ten Questions to Ask When Buying a Superfund Site provides answers to some of the

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<https://www.epa.gov/enforcement/enforcement-tools-address-liability-concerns-brownfields-and-land-revitalization>

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can find more information at <https://www.epa.gov/superfund>

You

We know we're sending you a lot of stuff! We're happy to meet with you at your convenience to discuss further.

Thanks,

Jim Woolford and Cyndy Mackey

To: Brown, Byron[brown.byron@epa.gov]; Kelly, Albert[kelly.albert@epa.gov]; Fotouhi, David[fotouhi.david@epa.gov]
From: Gunasekara, Mandy
Sent: Fri 6/16/2017 5:41:33 PM
Subject: FW: Olin Corporation Superfund White Paper
2017 06 06 ERG - Comments to Scott Pruitt re EPA reform.docx

Team Superfund:

Attached is a White Paper on Superfund from Olin Company, which as represented below, has considerable experience cleaning up legacy sites.

If you find the suggestions helpful, you can reach the Andy Wright at:

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Best,

Mandy

Subject: Olin Corporation Superfund White Paper

Dear Mandy,

You and I met while you were with the Committee on Environment and Public Works, and again on May 2 of this year when you addressed the Industrial Energy Consumers of America (IECA) meeting in Arlington. You were kind enough to give me your direct line. I left you a message recently, but I am sure you are inundated with calls.

I am reaching out because my company, Olin Corporation, has prepared a White Paper in response to Administrator Pruitt's recent memo regarding Superfund. Olin has considerable experience cleaning up legacy site. I am confident that the suggestions included in the paper have merit and could be useful as EPA prepares to reform and improve the program. I have attached a copy of the White Paper below.

I am hopeful that you can advise me as to how I can most effectively deliver these thought to the appropriate person at EPA. I would sincerely appreciate your help. Please feel free to call me at **Ex. 6 - Personal Privacy**

Ex. 6 - Personal Privacy

Andy

Andrew Wright

Acting Director, Government Affairs
Olin Corporation

Ex. 6 - Personal Privacy

Comprehensive Environmental Response, Compensation and Liability Act
Recommendations for Improvement through Administrative Reform
Olin Corporation
June 6, 2017

This white paper presents recommendations for improvement related to the current governance and administration of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) and its subsequent reauthorizations on a Regional basis within the U. S. Environmental Protection Agency (hereinafter "USEPA"). We support the vision of the current USEPA Administrator, Scott Pruitt, to implement reform with the Agency that allows PRPs to comply with their legal obligations in a cost effective manner and in a way that maintains equitable corporate competition along with the integrity of environmental stewardship. To that end, our recommendations are expressed below.

Our Company, Olin Corporation (hereinafter "Olin"), has been in business since 1892 and a member of the New York Stock Exchange for 75 years. Given our long history of manufacturing and providing goods that enable public enjoyment and everyday convenience, we have made it one of our top priorities to serve as a responsible steward of the environment through on-going compliance with current laws and regulations. Olin has extensive experience with investigation and remediation of legacy sites throughout the United States. Over the course of the last several years, however, we have experienced a palpable change in the regional administration of CERCLA. The U. S. Congress enacted CERCLA to provide the USEPA with broad authority in an effort to streamline the investigation and clean-up of impacted sites. To be sure, that broad authority has given rise to improvements in the quality of environmental media in many cases; however, it has also given rise to the propensity of some management-level individuals to abuse Congressional authority and to pursue agendas that are not conducive to the rational management of large, complex remediation projects.

Our specific recommendations are presented below:

1. USEPA **must** use sound science, due process, and appropriate site specific data to reach sustainable and cost-effective decisions which do not levy unnecessary financial burden;
2. USEPA **must** direct its regional CERCLA management structure to work with U. S. industry within the broad bounds of CERCLA authority to not only meet environmental regulatory requirements but to do so in a way that enables fair and well-informed negotiation of efficient and cost-effective remedial decisions;
3. USEPA **must** enable its project-level and sub-regional managers to control their internal project teams as well as third-party oversight contractors more appropriately to streamline the CERCLA process from standpoints of both time and cost;
4. USEPA **must** consider the cost of remediation coupled with a meaningful and corresponding reduction in human and ecological risk;
5. USEPA **must** consider the benefit of containment rather than removal of environmental impacts when appropriate, and;
6. USEPA **must** review and consider the overlapping and competing aims of regulations when they allow more cost effective and technically effective solutions.

Use of Sound Science in Remedial Decisions

Our recent experience has indicated that USEPA Remedial Project Managers (hereinafter "RPMs") and their immediate management have directed our project teams to execute our projects in a way that is based more on perceived (or real) internal liability and public emotion rather than sound science and collection and use of appropriate data. This certainly puts the integrity of the CERCLA process at risk. As a single example out of many, we have been told recently by Regional Management staff, while actively engaged in completion of an RI/FS, to eliminate risk assessment from our scope of work in an effort to move the project forward more quickly to the implementation of a predetermined remedy. Their idea of appropriate time frame is arbitrary and capricious. It is unconscionable that the remedy for the referenced project site will likely be tens of millions of dollars and USEPA has asked us to make decisions at that level of spending with no risk assessment. To be fair, we countered their direction and they have asked us to conduct a risk assessment for a single compound with a single exposure scenario when cumulative risk calculations will necessarily be required at this site to gain a proper understanding of human and ecological risk. This direction, and their predetermined remedy decision, is in direct conflict with the terms of the National Contingency Plan (NCP) and the long-accepted practices of risk assessment that our efforts are based on. We believe this direction is precipitated by an ill-informed public advocacy group and USEPA representation on the referenced project is not willing to stand up and move forward with the project in a reasonable manner that includes consideration of all data that has been collected for the project to date. This is also a clear indication of the abuse of legislative authority that we have experienced.

Fair Negotiation with U. S. Industry

The US environmental regulatory framework often imparts a business disadvantage compared with our competitors in other countries by requiring unnecessary or overreaching remedial actions. While we understand and actively support responsible environmental stewardship, those that are placed in positions of regulatory responsibility should work to mitigate unacceptable risk and implement clean-up scenarios that rely upon human and ecological risk, community protection, and cost as primary inputs. In too many cases, USEPA requires industry to pursue investigations or actions which do not materially reduce human health or ecological risk nor increase community protectiveness. Likewise, USEPA often takes aim at remediation scenarios that require remediation for the sake of remediation rather than those that present the most technically justifiable, cost effective, and protective solutions for mitigating unacceptable risk. This again results in an overreach of legislative authority and creates an imbalance in global competition.

Project Management and Control

A significant impediment to successful remedial implementation is abuse of the process by third party oversight contractors and USEPA's inability and/or unwillingness to manage these contracts appropriately. We have been told by USEPA RPMs that "they cannot do anything to manage their oversight contractors." Apparently, many USEPA RPMs are unwilling to accept the responsibility of properly directing an oversight contractor. In many cases, we have experienced oversight contractors who are not motivated to move the project closer to completion. This system is flawed on a motivational level; this issue presents itself with alarming regularity.

We have experienced the same issue with USEPA RPMs failing to manage their own internal teams. At most environmental sites, an effective remedy can be identified without an endless do-loop of document preparation, regulatory review and comment, and response to comment. USEPA RPMs must be required to efficiently advance their projects rather than simply corral the thoughts of others within the Agency (or Agencies) and thereby never make a final decision.

An added cost passed on by USEPA to PRPs is the indirect costs associated with USEPA management and office operations. The indirect cost multiplier is applied to every line in USEPA cost recovery/oversight bills. The indirect cost multiplier varies by USEPA region and has increased annually from 30% to over 100% for some regions. These high levels of indirect costs point to excessive administrative costs and multiple levels of management. Reduction in levels of management would reduce costs and likely reduce time required for management reviews of decisions and responses. Consolidation of administrative functions particularly across multiple regions could further reduce indirect costs.

Cost Benefit of Remedial Alternatives

CERCLA requires that any remedial action that is selected must be "cost-effective." As U.S. EPA stated in its Superfund Guidance, "cost-effectiveness is concerned with the reasonableness of the relationship between the effectiveness afforded by each alternative and its costs compared to other available options." A range of remedial alternatives are typically developed for a contaminated site. Frequently the evaluation is based on the level of future risk expected following implementation of that alternative. This comparison should also include an evaluation between alternatives of the differential in cost versus the reduction in risk. Alternatives which offer only marginal reductions in risk with substantial cost increases should be ranked lower than other alternatives. Failure to adequately evaluate the cost-effectiveness proportionality requirement of proposed remedies as required by CERCLA and the NCP can result in catastrophic impact at large sites.

Preference for Removal over Containment

USEPA's preference for removal over containment can significantly increase remedial costs. Historically, USEPA has directed removal over containment of contamination. In recent years, containment has been demonstrated to be an effective, long term solution at a significantly lower cost than removal, especially when there is no foreseeable risk to human health or the environment. Containment technology has improved and expanded over recent years. Containment, coupled with long term monitoring and maintenance, make containment an acceptable and effective long term alternative.

Overlapping and Competing Environmental Regulations

Environmental sites can fall under both CERCLA and the Resource Conservation and Recovery Act (RCRA). When this occurs, differing requirements of the two programs increase the expense, time, and complexity to remediate a site. Both programs have the same basic goal – protection of human and ecological health. RCRA is focused on reduction of exposure to human and ecological receptors and allows (and in many cases encourages) alternatives that provide containment and isolation. Superfund is focused on restoring the site to conditions that meet all cleanup standards (or site restoration). For example, RCRA finds it acceptable to contain groundwater contamination to prevent risk while Superfund requires cleanup to groundwater standards.

Conclusion

Industry cannot afford to make decisions on anything less than sound scientific principles and site-specific data, under the oversight of reasonable and fair management of USEPA regulatory staff. We are quite interested in reform with the USEPA that would 1) put an emphasis on reliance upon science and data, 2) foster an environment of fair negotiation to address actual protection of community, human health, and ecology, 3) mandate appropriate project management to mitigate the misuse of third party contractors and internal technical resources and 4) management of oversight costs including the ever increasing proportion of regional indirect costs.

To: Davis, Patrick[davis.patrick@epa.gov]; Fonseca, Silvina[Fonseca.Silvina@epa.gov]
Cc: Brown, Byron[brown.byron@epa.gov]
From: Fotouhi, David
Sent: Mon 5/8/2017 4:58:08 PM
Subject: RE: CERCLA delegation

Patrick, Silvina,

Byron and I have taken the draft cover memo and made some modifications to it. Would you

Ex. 5 - Deliberative Process

Best,

David

Ex. 5 - Deliberative Process; ACC

Ex. 5 - Deliberative Process; ACC

David Fotouhi

Deputy General Counsel

Office of General Counsel

U.S. Environmental Protection Agency

Tel: +1 202.564.1976

fotouhi.david@epa.gov

From: Fonseca, Silvina

Sent: Monday, May 8, 2017 12:40 PM

To: Davis, Patrick <davis.patrick@epa.gov>; Brown, Byron <brown.byron@epa.gov>

Cc: Fotouhi, David <fotouhi.david@epa.gov>

Subject: RE: CERCLA delegation

Thanks for the clarification.

Ex. 5 - Deliberative Process

Silvina Fonseca

Special Assistant (OLEM, OARM, OHS, OSBP and OCR)

Office of the Administrator

U.S. Environmental Protection Agency

Desk: 202.564.1955

Cell: Ex. 6 - Personal Privacy

From: Davis, Patrick
Sent: Monday, May 08, 2017 12:28 PM
To: Fonseca, Silvina <Fonseca.Silvina@epa.gov>; Brown, Byron <brown.byron@epa.gov>
Cc: Fotouhi, David <fotouhi.david@epa.gov>
Subject: RE: CERCLA delegation

Ex. 5 - Deliberative Process

Thanks,

Patrick Davis

Environmental Protection Agency

Deputy Assistant Administrator, Office of Land and Emergency Management

202-564-3103 office

Ex. 6 - Personal Privacy cell

Information sent to this email address may be subject to FOIA.

From: Fonseca, Silvina
Sent: Monday, May 8, 2017 12:10 PM
To: Davis, Patrick <davis.patrick@epa.gov>; Brown, Byron <brown.byron@epa.gov>
Cc: Fotouhi, David <fotouhi.david@epa.gov>
Subject: RE: CERCLA delegation

Hi Patrick,

Ex. 5 - Deliberative Process

Silvina Fonseca

Special Assistant (OLEM, OARM, OHS, OSBP and OCR)

Office of the Administrator

U.S. Environmental Protection Agency

Desk: 202.564.1955

Cell: Ex. 6 - Personal Privacy

From: Davis, Patrick

Sent: Monday, May 08, 2017 11:21 AM

To: Brown, Byron <brown.byron@epa.gov>; Fonseca, Silvina <Fonseca.Silvina@epa.gov>

Cc: Fotouhi, David <fotouhi.david@epa.gov>

Subject: RE: CERCLA delegation

It is text for a memo from the Administrator.

Patrick Davis

Environmental Protection Agency

Deputy Assistant Administrator, Office of Land and Emergency Management

202-564-3103 office

Ex. 6 - Personal Privacy Cell

Information sent to this email address may be subject to FOIA.

From: Brown, Byron
Sent: Monday, May 8, 2017 11:20 AM
To: Davis, Patrick <davis.patrick@epa.gov>; Fonseca, Silvina <Fonseca.Silvina@epa.gov>
Cc: Fotouhi, David <fotouhi.david@epa.gov>
Subject: RE: CERCLA delegation

Hi Patrick – one question

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

From: Davis, Patrick
Sent: Monday, May 8, 2017 8:24 AM
To: Fonseca, Silvina <Fonseca.Silvina@epa.gov>
Cc: Brown, Byron <brown.byron@epa.gov>; Fotouhi, David <fotouhi.david@epa.gov>
Subject: CERCLA delegation

Hi Silvina,

Ex. 5 - Deliberative Process

Thanks,

Patrick Davis

Environmental Protection Agency

Deputy Assistant Administrator, Office of Land and Emergency Management

202-564-3103 office

Ex. 6 - Personal Privacy cell

Information sent to this email address may be subject to FOIA.

From: Davis, Patrick
Sent: Wednesday, May 3, 2017 4:17 PM
To: Brown, Byron <brown.byron@epa.gov>
Cc: Breen, Barry <Breen.Barry@epa.gov>; Fotouhi, David <fotouhi.david@epa.gov>
Subject: FW: Draft delegation

Byron,

Attached is where we have landed on CERCLA delegation.

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Thanks,

Patrick Davis

Environmental Protection Agency

Deputy Assistant Administrator, Office of Land and Emergency Management

202-564-3103 office

Ex. 6 - Personal Privacy cell

Information sent to this email address may be subject to FOIA.

From: Breen, Barry
Sent: Wednesday, May 3, 2017 3:52 PM
To: Davis, Patrick <davis.patrick@epa.gov>
Subject: FW: Draft delegation

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

B.

From: Lewis, Jen

Sent: Wednesday, May 03, 2017 2:53 PM

To: Breen, Barry <Breen.Barry@epa.gov>

Cc: Hogan, Joanne <Hogan.Joanne@epa.gov>; Melvin, Karen <Melvin.Karen@epa.gov>;

Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>; Woolford, James

<Woolford.James@epa.gov>; Openchowski, Charles <openchowski.charles@epa.gov>;

Michaud, John <Michaud.John@epa.gov>; Hilosky, Nick <Hilosky.Nick@epa.gov>; Stalcup, Dana <Stalcup.Dana@epa.gov>

Subject: RE: Draft delegation

Barry,

Ex. 5 - Deliberative Process; ACC

Jen

Jen Lewis

Deputy Associate General Counsel

Solid Waste and Emergency Response Law Office

(202) 564-2097

To: Brown, Byron[brown.byron@epa.gov]
From: Fotouhi, David
Sent: Mon 5/8/2017 4:51:45 PM
Subject: RE: CERCLA delegation
RE: CERCLA delegation cover memo language

Ex. 5 - Deliberative Process

Byron:

Ex. 5 - Deliberative Process; ACC

David Fotouhi

Deputy General Counsel

Office of General Counsel

U.S. Environmental Protection Agency

Tel: +1 202.564.1976

fotouhi.david@epa.gov

From: Brown, Byron
Sent: Monday, May 8, 2017 11:20 AM
To: Davis, Patrick <davis.patrick@epa.gov>; Fonseca, Silvina <Fonseca.Silvina@epa.gov>
Cc: Fotouhi, David <fotouhi.david@epa.gov>
Subject: RE: CERCLA delegation

Hi Patrick – one question

Ex. 5 - Deliberative Process; ACC

Ex. 5 - Deliberative Process; ACC

From: Davis, Patrick
Sent: Monday, May 8, 2017 8:24 AM
To: Fonseca, Silvina <Fonseca.Silvina@epa.gov>
Cc: Brown, Byron <brown.byron@epa.gov>; Fotouhi, David <fotouhi.david@epa.gov>
Subject: CERCLA delegation

Hi Silvina,

Ex. 5 - Deliberative Process

Thanks,

Patrick Davis

Environmental Protection Agency

Deputy Assistant Administrator, Office of Land and Emergency Management

202-564-3103 office

Ex. 5 - Deliberative Process cell

Information sent to this email address may be subject to FOIA.

From: Davis, Patrick
Sent: Wednesday, May 3, 2017 4:17 PM
To: Brown, Byron <brown.byron@epa.gov>
Cc: Breen, Barry <Breen.Barry@epa.gov>; Fotouhi, David <fotouhi.david@epa.gov>
Subject: FW: Draft delegation

Byron,

Attached is where we have landed on CERCLA delegation

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Thanks,

Patrick Davis

Environmental Protection Agency

Deputy Assistant Administrator, Office of Land and Emergency Management

202-564-3103 office

Ex. 5 - Deliberative Process cell

Information sent to this email address may be subject to FOIA.

From: Breen, Barry

Sent: Wednesday, May 3, 2017 3:52 PM

To: Davis, Patrick <davis.patrick@epa.gov>

Subject: FW: Draft delegation

Ex. 5 - Deliberative Process

B.

From: Lewis, Jen

Sent: Wednesday, May 03, 2017 2:53 PM

To: Breen, Barry <Breen.Barry@epa.gov>
Cc: Hogan, Joanne <Hogan.Joanne@epa.gov>; Melvin, Karen <Melvin.Karen@epa.gov>;
Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>; Woolford, James
<Woolford.James@epa.gov>; Openchowski, Charles <openchowski.charles@epa.gov>;
Michaud, John <Michaud.John@epa.gov>; Hilosky, Nick <Hilosky.Nick@epa.gov>; Stalcup,
Dana <Stalcup.Dana@epa.gov>
Subject: RE: Draft delegation

Barry,

Ex. 5 - Deliberative Process; ACC

Jen

Jen Lewis

Deputy Associate General Counsel

Solid Waste and Emergency Response Law Office

(202) 564-2097

To: Fonseca, Silvina[Fonseca.Silvina@epa.gov]
Cc: Brown, Byron[brown.byron@epa.gov]; Fotouhi, David[fotouhi.david@epa.gov]
From: Davis, Patrick
Sent: Mon 5/8/2017 12:24:14 PM
Subject: CERCLA delegation
[14-2 OLEM Responses Revision 5.3.17.docx](#)
[14-21A Consultations Reviews and Selection of Remedial Actions Revision 5.3.17.docx](#)



[CERCLA delegation cover memo.docx](#)

Ex. 5 - Deliberative Process; ACC

Hi Silvina,

Ex. 5 - Deliberative Process

Thanks,

Patrick Davis

Environmental Protection Agency

Deputy Assistant Administrator, Office of Land and Emergency Management

202-564-3103 office

Ex. 5 - Deliberative Process cell

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From: Davis, Patrick
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To: Brown, Byron <brown.byron@epa.gov>
Cc: Breen, Barry <Breen.Barry@epa.gov>; Fotouhi, David <fotouhi.david@epa.gov>
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Ex. 5 - Deliberative Process

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Thanks,

Patrick Davis

Environmental Protection Agency

Deputy Assistant Administrator, Office of Land and Emergency Management

202-564-3103 office

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Sent: Wednesday, May 3, 2017 3:52 PM

To: Davis, Patrick <davis.patrick@epa.gov>

Subject: FW: Draft delegation

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B.

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Sent: Wednesday, May 03, 2017 2:53 PM

To: Breen, Barry <Breen.Barry@epa.gov>

Cc: Hogan, Joanne <Hogan.Joanne@epa.gov>; Melvin, Karen <Melvin.Karen@epa.gov>; Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>; Woolford, James <Woolford.James@epa.gov>; Openchowski, Charles <openchowski.charles@epa.gov>; Michaud, John <Michaud.John@epa.gov>; Hilosky, Nick <Hilosky.Nick@epa.gov>; Stalcup, Dana <Stalcup.Dana@epa.gov>

Subject: RE: Draft delegation

Barry,

Ex. 5 - Deliberative Process; ACC

Jen

Jen Lewis

Deputy Associate General Counsel

Solid Waste and Emergency Response Law Office

(202) 564-2097

To: Brown, Byron[brown.byron@epa.gov]; Davis, Patrick[davis.patrick@epa.gov]
From: Fotouhi, David
Sent: Mon 5/8/2017 11:59:12 AM
Subject: FW: CERCLA delegation cover memo language

Byron, Patrick,

Ex. 5 - Deliberative Process; ACC

Best,

David

David Fotouhi

Deputy General Counsel

Office of General Counsel

U.S. Environmental Protection Agency

Tel: +1 202.564.1976

fotouhi.david@epa.gov

From: Davis, Patrick

Sent: Thursday, May 4, 2017 11:28 AM

To: Lewis, Jen <Lewis.Jen@epa.gov>; Woolford, James <Woolford.James@epa.gov>; Fotouhi, David <fotouhi.david@epa.gov>; Hogan, Joanne <Hogan.Joanne@epa.gov>; Openchowski, Charles <openchowski.charles@epa.gov>; Breen, Barry <Breen.Barry@epa.gov>; Brown,

Byron <brown.byron@epa.gov>; Wagner, Amelia <Wagner.Amelia@epa.gov>
Cc: Stalcup, Dana <Stalcup.Dana@epa.gov>; Hilosky, Nick <Hilosky.Nick@epa.gov>
Subject: RE: CERCLA delegation cover memo language

Jen,

Ex. 5 - Deliberative Process; ACC

Thanks,

Patrick Davis

Environmental Protection Agency

Deputy Assistant Administrator, Office of Land and Emergency Management

202-564-3103 office

Ex. 5 - Deliberative Process cell

Information sent to this email address may be subject to FOIA.

From: Lewis, Jen

Sent: Thursday, May 4, 2017 9:34 AM

To: Davis, Patrick <davis.patrick@epa.gov>; Woolford, James <Woolford.James@epa.gov>;
Fotouhi, David <fotouhi.david@epa.gov>; Hogan, Joanne <Hogan.Joanne@epa.gov>;
Openchowski, Charles <openchowski.charles@epa.gov>; Breen, Barry
<Breen.Barry@epa.gov>; Brown, Byron <brown.byron@epa.gov>; Wagner, Amelia

<Wagner.Amelia@epa.gov>

Cc: Stalcup, Dana <Stalcup.Dana@epa.gov>; Hilosky, Nick <Hilosky.Nick@epa.gov>

Subject: RE: CERCLA delegation cover memo language

Ex. 5 - Deliberative Process; ACC

Jen

Jen Lewis

Deputy Associate General Counsel

Solid Waste and Emergency Response Law Office

(202) 564-2097

From: Davis, Patrick

Sent: Wednesday, May 03, 2017 4:25 PM

To: Woolford, James <Woolford.James@epa.gov>; Fotouhi, David <fotouhi.david@epa.gov>; Lewis, Jen <Lewis.Jen@epa.gov>; Hogan, Joanne <Hogan.Joanne@epa.gov>; Openchowski, Charles <openchowski.charles@epa.gov>; Breen, Barry <Breen.Barry@epa.gov>; Brown, Byron <brown.byron@epa.gov>; Wagner, Amelia <Wagner.Amelia@epa.gov>

Cc: Stalcup, Dana <Stalcup.Dana@epa.gov>; Hilosky, Nick <Hilosky.Nick@epa.gov>

Subject: RE: CERCLA delegation cover memo language

Thank you.

Patrick Davis

Environmental Protection Agency

Ex. 5 - Deliberative Process

From: Davis, Patrick

Sent: Wednesday, May 03, 2017 3:38 PM

To: Fotouhi, David <fotouhi.david@epa.gov>; Lewis, Jen <Lewis.Jen@epa.gov>; Hogan, Joanne <Hogan.Joanne@epa.gov>; Openchowski, Charles <openchowski.charles@epa.gov>; Breen, Barry <Breen.Barry@epa.gov>; Brown, Byron <brown.byron@epa.gov>; Wagner, Amelia <Wagner.Amelia@epa.gov>

Cc: Woolford, James <Woolford.James@epa.gov>; Stalcup, Dana <Stalcup.Dana@epa.gov>; Hilosky, Nick <Hilosky.Nick@epa.gov>

Subject: CERCLA delegation cover memo language

Hello team,

Great work on getting this delegation language to this point in less than 24 hours. Below and attached is draft language for the cover memo. Your edits are requested.

Ex. 5 - Deliberative Process; ACC

Ex. 5 - Deliberative Process; ACC

Thanks for everything!

Patrick Davis

Environmental Protection Agency

Deputy Assistant Administrator, Office of Land and Emergency Management

202-564-3103 office

Ex. 5 - Deliberative Process cell

Information sent to this email address may be subject to FOIA.

To: Brown, Byron[brown.byron@epa.gov]
From: Kelly, Albert
Sent: Mon 5/8/2017 11:29:03 AM
Subject: FW: Draft Memo re Superfund Revitalization
Superfund-Draft ESP Memo-050417.docx

Hello Byron, would you have 5 minutes to discuss this some time this morning?

From: Fotouhi, David
Sent: Thursday, May 4, 2017 9:24 AM
To: Davis, Patrick <davis.patrick@epa.gov>; Kelly, Albert <kelly.albert@epa.gov>
Cc: Brown, Byron <brown.byron@epa.gov>
Subject: Draft Memo re Superfund Revitalization

Patrick, Kell,

Ex. 5 - Deliberative Process; ACC

Thank you!

Best,

David

David Fotouhi

Deputy General Counsel

Office of General Counsel

U.S. Environmental Protection Agency

Tel: +1 202.564.1976

fotouhi.david@epa.gov

To: Brown, Byron[brown.byron@epa.gov]
From: Lyons, Troy
Sent: Thur 5/4/2017 5:29:41 PM
Subject: RE: you're famous

Such a lovely picture of me too

From: Brown, Byron
Sent: Thursday, May 4, 2017 1:29 PM
To: Lyons, Troy <lyons.troy@epa.gov>
Subject: you're famous

EPA chief barnstorms Capitol Hill

Geof Koss and Kevin Bogardus, E&E News reporters

Published: Thursday, May 4, 2017



U.S. EPA Administrator Scott Pruitt (left) yesterday made the rounds on Capitol Hill to meet with lawmakers, including House Energy and Commerce Subcommittee on Environment Chairman John Shimkus (R-Ill.). Photo courtesy of @EPAScottPruitt via Twitter.

U.S. EPA Administrator Scott Pruitt made the rounds on Capitol Hill yesterday, meeting with lawmakers from both parties.

Rep. John Shimkus (R-Ill.) was impressed with the agency chief. When EPA staff recently told Pruitt it would take a month to prepare a letter he needed to send for agency business, the former Oklahoma attorney general proposed his own solution.

"He says, 'I can write it in two hours, and I'll take it to a mailing house to get it out tomorrow,'" Shimkus told E&E News in an interview today. "And they said 'OK, we'll get it out tomorrow.'"

The anecdote, which the EPA chief shared with Shimkus during a private meeting last week, highlights Pruitt's approach to handling his new job as the nation's top environmental official.

"It just focuses on how he wants to get things done," Shimkus said. "Let the scientists, let the sources make the scientific judgements, but don't let the bureaucracy grind it down to 18 or 24 months."

Shimkus met again with Pruitt yesterday. The pair discussed issues within the jurisdiction of Shimkus' Energy and Commerce Subcommittee on Environment, including safe drinking water, brownfields, the Superfund program and regulatory reform, during the "awesome" meeting, Shimkus said.

Both men have pledged to give new attention to EPA's Superfund program, and Shimkus said he was impressed with Pruitt's knowledge of the West Lake Superfund site in St. Louis, a cleanup near his southern Illinois district that he's been following for years.

"He talks about the embarrassment that the EPA has still not rendered a record of decision for that site," Shimkus said. "And he says it's just ridiculous."

The takeaway for Shimkus from his two meetings was that Pruitt wants results.

"One way or another, get decisions made," he said. "I think he knows that he has a window of time to transformationally change the EPA to more of a service-oriented, 'We're working for the environment and jobs,' and I think he's laser-focused on that."

Shimkus wasn't the only lawmaker to receive a visit from Pruitt.

The EPA administrator also met with Reps. Ken Calvert (R-Calif.), Mike Conaway (R-Texas), Richard Hudson (R-N.C.) and Greg Walden (R-Ore.), chairman of the House Energy and Commerce Committee, as well as Sens. John Hoeven (R-N.D.), Heidi Heitkamp (D-N.D.) and John Barrasso (R-Wyo.), chairman of the Senate Environment and Public Works Committee. Pruitt also sat down with Senate Majority Leader Mitch McConnell (R-Ky.).

In a statement yesterday, Heitkamp said she secured a commitment from Pruitt to visit North Dakota. In addition, she pushed the EPA chief on how he plans to review major environmental rules such as the Clean Power Plan as well as the Waters of the U.S. rule. The senator also questioned him about his support for the renewable fuel standard.

"Any regulatory relief from EPA needs to be lasting so those impacted can plan appropriately, and it should make a real difference for folks on the ground. Just as I pushed the previous administration to make regulations work better without jeopardizing programs that protect clean air and water in North Dakota, I'll do the same with this administration," Heitkamp said.

Hoeven put out his own statement, saying he also pressed Pruitt on the Clean Power Plan and Waters of the U.S. rule. And he asked Pruitt to approve North Dakota's application to be the primary regulator of Class VI injection wells, which inject carbon dioxide into the ground.

"The people of North Dakota and their elected officials deserve an EPA that is focused on the basics of protecting the environment, engaging with state and local partners, and ensuring sensible regulations for economic growth," Hoeven said.

Byron R. Brown

Deputy Chief of Staff for Policy

Office of the Administrator

U.S. Environmental Protection Agency

To: Kelly, Albert[kelly.albert@epa.gov]
Cc: Davis, Patrick[davis.patrick@epa.gov]; Brown, Byron[brown.byron@epa.gov]
From: Fotouhi, David
Sent: Thur 5/4/2017 4:14:30 PM
Subject: RE: Draft Memo re Superfund Revitalization

Thanks very much, Kell. I'm glad to hear that the meetings this week were beneficial. The

Ex. 5 - Deliberative Process

David Fotouhi

Deputy General Counsel

Office of General Counsel

U.S. Environmental Protection Agency

Tel: +1 202.564.1976

fotouhi.david@epa.gov

From: Kelly, Albert
Sent: Thursday, May 4, 2017 12:07 PM
To: Fotouhi, David <fotouhi.david@epa.gov>
Cc: Davis, Patrick <davis.patrick@epa.gov>; Brown, Byron <brown.byron@epa.gov>
Subject: Re: Draft Memo re Superfund Revitalization

I am finishing the Superfund Regional Directors meeting today in Dallas. It has been a full agenda these three days.

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

This has been very informational.

Sent from my iPhone

On May 4, 2017, at 8:24 AM, Fotouhi, David <fotouhi.david@epa.gov> wrote:

Patrick, Kell,

Attached to this e-mail is a draft memorandum on the Superfund revitalization initiative that

Ex. 5 - Deliberative Process; ACC

~~If either of you have any comments or suggestions, please let me know.~~

Ex. 5 - Deliberative Process; ACC

Ex. 5 - Deliberative Process; ACC

Best,

David

David Fotouhi

Deputy General Counsel

Office of General Counsel

U.S. Environmental Protection Agency

Tel: +1 202.564.1976

fotouhi.david@epa.gov

<Superfund-Draft ESP Memo-050417.docx>

To: Fotouhi, David[fotouhi.david@epa.gov]
Cc: Kelly, Albert[kelly.albert@epa.gov]; Brown, Byron[brown.byron@epa.gov]
From: Davis, Patrick
Sent: Thur 5/4/2017 1:55:35 PM
Subject: Re: Draft Memo re Superfund Revitalization

Ex. 5 - Deliberative Process; ACC

This is well written, David.

Thank you,
Patrick

Sent from my iPhone

On May 4, 2017, at 9:24 AM, Fotouhi, David <fotouhi.david@epa.gov> wrote:

Patrick, Kell,

Attached to this e-mail is a draft memorandum on the Superfund revitalization initiative that

Ex. 5 - Deliberative Process; ACC

If either of you have any comments or suggestions, please let me know. Once I've incorporated your thoughts, we will loop in the leaders of the appropriate program offices for feedback. Thank you!

Best,

David

David Fotouhi

Deputy General Counsel

Office of General Counsel

U.S. Environmental Protection Agency

Tel: +1 202.564.1976

fotouhi.david@epa.gov

<Superfund-Draft ESP Memo-050417.docx>

To: Brown, Byron[brown.byron@epa.gov]
Cc: 'Al Hendricks'; Bybee, Dean
From: Bill Cutler
Sent: Thur 5/4/2017 1:35:26 PM
Subject: Cement-Lock: Meeting Follow-up
[Byron Brown 5.4.2017.pdf](#)

Dear Mr. Brown:

Please see the attached letter from Mr. Al Hendricks.

He very much appreciated the opportunity to meet you in April to share the environmental benefits of Cement-Lock, and how the process can reduce the cost of implementing the President's national infrastructure program. He looks forward to further dialogue with you.

Regards,

Bill Cutler

Volcano Partners, LLC

350 Fifth Avenue, Suite 5310

New York, NY 10118

T - [Ex. 6 - Personal Privacy](#)

www.cement-lock.com



Email: Brown.Byron@epa.gov

May 4th, 2017

Byron R. Brown
Deputy Chief of Staff for Policy
Office of the Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

CORPORATE COOPERATION: SUPERFUND CLEAN-UP

Dear Mr. Brown:

We appreciated the meeting of April 11th at your office and your commitment to being an “agent of change” at the EPA. The EPA, DOE and private sector funding of the Cement -Lock technology may finally be commercially applied in the manner for which it was intended.

We want to share with you one of the most confounding issues that principally responsible parties (PRPs) have to deal with when addressing the clean-up of Superfund sites. Per CERCLA, the PRP’s financial responsibility is *consistent with the degree and duration of risk associated with the production, transportation, treatment, storage, or disposal of hazardous substances.* (CERCLA Section 108b). So, with post clean-up action, the liability to PRPs remains for future costs and litigation.

However, per CERCLA, SETTLEMENTS, Authority to Enter Into Agreements: *...the President shall act to facilitate agreements in order to expedite effective remedial actions and minimize litigation.*

We have met with many PRPs, including those associated with the Passaic River and Gowanus Canal Superfund sites. They have consistently shared with us that if they were able to significantly reduce or eliminate the legacy liabilities associated with Superfund sites, there would be a greater willingness to cooperate with the EPA to initiate remediation activities. This would bring to a close much of the on-going Superfund litigation that PRPs have relied upon as a delay tactic to preserve balance sheet assets.

Because a key attribute of the EPA’s funded Cement-Lock process is that the toxicity of hazardous materials at Superfund sites is destroyed, there is an opportunity for the mutual integration of technology & administrative procedures.

We believe that with the cooperation of the President and the EPA Administration, you are in a position to:

- (i) end or substantially reduce the time-consuming litigation that PRPs have embarked upon, and
- (ii) initiate clean-up activities without further delay that support the EPA’s Environmental Justice mandate.

Byron R. Brown
May 4th, 2017
Page 2

With your input, and the EPA Administrator enabled to expedite effective remedial actions and minimize litigation, the EPA Administrator would be able to add the covenant not to sue to limit any PRP's future liability. Further, this administrative action would likely reduce some of the EPA bureaucracy that exists

The elimination of the unknown costs to PRPs associated with the legacy liability issues that have perpetually delayed clean-up activities would be resolved. We hope this proposed solution serves the goals we discussed whereby PRPs would act positively towards the RODs that have been released and stimulates PRP cooperation.

Following the upcoming spring break, I would like to provide you with a more detailed description explaining how Cement-Lock solves many Superfund problems, while also substantially reducing the cost of implementing the President's national infrastructure program. I will be reaching out to you after the spring break to introduce you to other members of the Cement-Lock Team.

Regards,



Al Hendricks
Chairman and CEO

Ph: Ex. 6 - Personal Privacy

Email: Ex. 6 - Personal Privacy

c: Dean Bybee, Operations Director, Amec Foster Wheeler

www.cement-lock.com

To: Kelly, Albert[kelly.albert@epa.gov]; Falvo, Nicholas[falvo.nicholas@epa.gov]
Cc: Brown, Byron[brown.byron@epa.gov]; Davis, Patrick[davis.patrick@epa.gov]
From: Fotouhi, David
Sent: Fri 7/21/2017 2:43:27 AM
Subject: Revised Superfund Directive
Draft Questions and Answers on Superfund Directive--2017-07-20.docx
DF edits to SF FAQ.DOCX
Superfund--Draft Directive--2017-07-20--Clean.docx

Attachments WIF: Ex. 5 - Deliberative Process; ACC

Kell, Nick,

Attached to this e-mail, please find (1) a revised version of the draft directive memorandum from the Administrator, (2) a draft set of questions and answers regarding the memorandum, and (3) a redline of the questions and answers regarding the Task Force report with my suggestions.

Please let me know if you have any questions.

Best,

David

David Fotouhi

Deputy General Counsel

Office of General Counsel

U.S. Environmental Protection Agency

Tel: +1 202.564.1976

fotouhi.david@epa.gov

To: Brown, Byron[brown.byron@epa.gov]
From: Fotouhi, David
Sent: Thur 5/4/2017 1:45:26 AM
Subject: RE: CERCLA delegation cover memo language

Thanks, Byron. I'm just now getting the chance to take a look at this—sorry for the delay. I see

Ex. 5 - Deliberative Process; ACC

Ex. 5 - Deliberative Process; ACC

Ex. 5 - Deliberative Process; ACC

Ex. 5 - Deliberative Process; ACC

Ex. 5 - Deliberative Process; ACC

Thanks,

David

David Fotouhi

Deputy General Counsel

Office of General Counsel

U.S. Environmental Protection Agency

Tel: +1 202.564.1976

fotouhi.david@epa.gov

From: Brown, Byron

Sent: Wednesday, May 3, 2017 4:35 PM

To: Fotouhi, David <fotouhi.david@epa.gov>

Subject: FW: CERCLA delegation cover memo language

David – what is your thought

Ex. 5 - Deliberative Process; ACC

Ex. 5 - Deliberative Process; ACC

From: Davis, Patrick

Sent: Wednesday, May 3, 2017 4:16 PM

To: Stalcup, Dana <Stalcup.Dana@epa.gov>; Fotouhi, David <fotouhi.david@epa.gov>; Lewis, Jen <Lewis.Jen@epa.gov>; Hogan, Joanne <Hogan.Joanne@epa.gov>; Openchowski, Charles <openchowski.charles@epa.gov>; Breen, Barry <Breen.Barry@epa.gov>; Brown, Byron <brown.byron@epa.gov>; Wagner, Amelia <Wagner.Amelia@epa.gov>
Cc: Woolford, James <Woolford.James@epa.gov>; Hilosky, Nick <Hilosky.Nick@epa.gov>
Subject: RE: CERCLA delegation cover memo language

How about this in red

Ex. 5 - Deliberative Process; ACC

Patrick Davis

Environmental Protection Agency

Deputy Assistant Administrator, Office of Land and Emergency Management

202-564-3103 office

Ex. 6 - Personal Privacy cell

Information sent to this email address may be subject to FOIA.

From: Stalcup, Dana

Sent: Wednesday, May 3, 2017 3:59 PM

To: Davis, Patrick <davis.patrick@epa.gov>; Fotouhi, David <fotouhi.david@epa.gov>; Lewis, Jen <Lewis.Jen@epa.gov>; Hogan, Joanne <Hogan.Joanne@epa.gov>; Openchowski, Charles <openchowski.charles@epa.gov>; Breen, Barry <Breen.Barry@epa.gov>; Brown, Byron <brown.byron@epa.gov>; Wagner, Amelia <Wagner.Amelia@epa.gov>

Cc: Woolford, James <Woolford.James@epa.gov>; Hilosky, Nick <Hilosky.Nick@epa.gov>

Subject: RE: CERCLA delegation cover memo language

Patrick and all,

Ex. 5 - Deliberative Process; ACC

Ex. 5 - Deliberative Process; ACC

I just bring it up for consideration.

Thanks - Dana

Dana Stalcup

Deputy Director

OLEM/Office of Superfund Remediation and Technology Innovation (OSRTI)

Desk – 703-603-8702

Cell – Ex. 6 - Personal Privacy

Follow us on Twitter @EPALand

From: Davis, Patrick

Sent: Wednesday, May 03, 2017 3:38 PM

To: Fotouhi, David <fotouhi.david@epa.gov>; Lewis, Jen <Lewis.Jen@epa.gov>; Hogan, Joanne <Hogan.Joanne@epa.gov>; Openchowski, Charles <openchowski.charles@epa.gov>; Breen, Barry <Breen.Barry@epa.gov>; Brown, Byron <brown.byron@epa.gov>; Wagner, Amelia <Wagner.Amelia@epa.gov>

Cc: Woolford, James <Woolford.James@epa.gov>; Stalcup, Dana <Stalcup.Dana@epa.gov>; Hilosky, Nick <Hilosky.Nick@epa.gov>

Subject: CERCLA delegation cover memo language

Hello team,

Great work on getting this delegation language to this point in less than 24 hours. Below and attached is draft language for the cover memo. Your edits are requested.

Ex. 5 - Deliberative Process; ACC

Thanks for everything!

Patrick Davis

Environmental Protection Agency

Deputy Assistant Administrator, Office of Land and Emergency Management

202-564-3103 office

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To: Jackson, Ryan[jackson.ryan@epa.gov]; Fotouhi, David[fotouhi.david@epa.gov]; Kelly, Albert[kelly.albert@epa.gov]; Brown, Byron[brown.byron@epa.gov]
From: Davis, Patrick
Sent: Wed 5/3/2017 9:00:28 PM
Subject: RE: Getting back about meeting with the companies

Ex. 5 - Deliberative Process

Patrick Davis

Environmental Protection Agency

Deputy Assistant Administrator, Office of Land and Emergency Management

202-564-3103 office

Ex. 6 - Personal Privacy cell

Information sent to this email address may be subject to FOIA.

From: Jackson, Ryan
Sent: Tuesday, May 2, 2017 7:52 AM
To: Fotouhi, David <fotouhi.david@epa.gov>; Kelly, Albert <kelly.albert@epa.gov>; Brown, Byron <brown.byron@epa.gov>; Davis, Patrick <davis.patrick@epa.gov>
Subject: FW: Getting back about meeting with the companies

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

David,

Ex. 5 - Deliberative Process

From: Breen, Barry

Sent: Sunday, April 30, 2017 10:40 PM

To: Jackson, Ryan <jackson.ryan@epa.gov>

Cc: Brown, Byron <brown.byron@epa.gov>; Davis, Patrick <davis.patrick@epa.gov>; Simon, Nigel <Simon.Nigel@epa.gov>

Subject: Getting back about meeting with the companies

Dear Ryan,

Ex. 5 - Deliberative Process

Here are some starter thoughts, that I hope help:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

I hope the above helps. If this wasn't what you needed, just let me know and we'll follow up further accordingly.

Barry

From: "Jackson, Ryan" <jackson.ryan@epa.gov>

Date: April 29, 2017 at 7:09:29 PM EDT

To: "Breen, Barry" <Breen.Barry@epa.gov>

Cc: "Brown, Byron" <brown.byron@epa.gov>

Barry, I'm in the office just catching up on some things so I'm not asking for a response, but the Administrator held a meeting with companies heavily involved in Superfund clean up to talk about ways to get sites back to beneficial use.

Ex. 5 - Deliberative Process

Thank you.

Ryan.

Ryan Jackson

Chief of Staff

U.S. Environmental Protection Agency

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To: Brown, Byron[brown.byron@epa.gov]; Fotouhi, David[fotouhi.david@epa.gov]; Kelly, Albert[kelly.albert@epa.gov]
Cc: Jackson, Ryan[jackson.ryan@epa.gov]
From: Davis, Patrick
Sent: Fri 4/28/2017 12:15:00 PM
Subject: RE: Meeting with Elliott Laws

Byron,

Thank you for pulling this together. It will be helpful.

Thanks,

Patrick Davis

EPA

Senior Advisor to the Administrator

202-564-3103 office

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Information sent to this email address may be subject to FOIA.

From: Brown, Byron
Sent: Thursday, April 27, 2017 1:31 PM
To: Fotouhi, David <fotouhi.david@epa.gov>; Kelly, Albert <kelly.albert@epa.gov>; Davis, Patrick <davis.patrick@epa.gov>
Cc: Jackson, Ryan <jackson.ryan@epa.gov>
Subject: Meeting with Elliott Laws

I have reached out to Elliott Laws about meeting to discuss Superfund reforms. Elliott was Assistant Administrator for Solid Waste and Emergency Response in the Clinton administration,

worked for Texaco, and is now partner at the Crowell & Moring law firm here in DC. He

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process He has been on work travel but will be in DC next Monday and Tuesday and is willing to meet. I will look for some times when folks are free and will send an invite, but wanted to provide some background in advance.

Here is his official bio: <https://www.crowell.com/Professionals/Elliott-Laws>

Byron R. Brown

Deputy Chief of Staff for Policy

Office of the Administrator

U.S. Environmental Protection Agency

To: Kelly, Albert[kelly.albert@epa.gov]
Cc: Davis, Patrick[davis.patrick@epa.gov]; Brown, Byron[brown.byron@epa.gov]; Falvo, Nicholas[falvo.nicholas@epa.gov]
From: Fotouhi, David
Sent: Wed 7/19/2017 11:11:30 PM
Subject: RE: Draft directive to implement Superfund Task Force recommendations
Superfund--Draft Directive--2017-07-19.docx

Ex. 5 - Deliberative Process; ACC

I've attached a revised version of the directive in redline to this e-mail that includes edits from John Michaud, Jen Lewis, Jim Woolford, and David Lloyd.

Best,

David

David Fotouhi

Deputy General Counsel

Office of General Counsel

U.S. Environmental Protection Agency

Tel: +1 202.564.1976

fotouhi.david@epa.gov

From: Fotouhi, David
Sent: Tuesday, July 18, 2017 9:43 PM
To: Kelly, Albert <kelly.albert@epa.gov>
Cc: Davis, Patrick <davis.patrick@epa.gov>; Brown, Byron <brown.byron@epa.gov>; Falvo, Nicholas <falvo.nicholas@epa.gov>
Subject: Draft directive to implement Superfund Task Force recommendations

PRIVILEGED—CONFIDENTIAL—ATTORNEY WORK PRODUCT—

DELIBERATIVE—DO NOT RELEASE

Kell:

For your review, attached to this e-mail is a draft directive from the Administrator

Ex. 5 - Deliberative Process; ACC

Ex. 5 - Deliberative Process; ACC

Ex. 5 - Deliberative Process; ACC

I'm available to discuss the draft tomorrow any time after 4:30 p.m.

Best,

David

David Fotouhi

Deputy General Counsel

Office of General Counsel

U.S. Environmental Protection Agency

Tel: +1 202.564.1976

fotouhi.david@epa.gov

To: Davis, Patrick[davis.patrick@epa.gov]
Cc: Kelly, Albert[kelly.albert@epa.gov]; Fotouhi, David[fotouhi.david@epa.gov]; Brown, Byron[brown.byron@epa.gov]
From: Jackson, Ryan
Sent: Thur 4/27/2017 10:34:04 AM
Subject: Re: Today's AROW meeting tentative agenda.

Schedule.

Ryan Jackson
Chief of Staff
U.S. EPA

Ex. 6 - Personal Privacy

> On Apr 27, 2017, at 6:24 AM, Davis, Patrick <davis.patrick@epa.gov> wrote:
>
> Yes, where and when is the meeting?
>
> Sent from my iPhone
>
>> On Apr 27, 2017, at 6:07 AM, Jackson, Ryan <jackson.ryan@epa.gov> wrote:
>>
>> Please plan to join the AROW meeting this afternoon.

Ex. 5 - Deliberative Process

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>>
>>
>> Ryan Jackson
>> Chief of Staff
>> U.S. EPA

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To: Brown, Byron[brown.byron@epa.gov]
Cc: Breen, Barry[Breen.Barry@epa.gov]; Fotouhi, David[fotouhi.david@epa.gov]
From: Davis, Patrick
Sent: Wed 5/3/2017 8:17:25 PM
Subject: FW: Draft delegation
14-2 OLEM Responses Revision 5.3.17.docx
14-21A Consultations Reviews and Selection of Remedial Actions Revision 5.3.17.docx

WIF: Ex. 5 - Deliberative Process; ACC

Byron,

Attached is where we have landed on CERCLA delegation.

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Thanks,

Patrick Davis

Environmental Protection Agency

Deputy Assistant Administrator, Office of Land and Emergency Management

202-564-3103 office

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Information sent to this email address may be subject to FOIA.

From: Breen, Barry
Sent: Wednesday, May 3, 2017 3:52 PM
To: Davis, Patrick <davis.patrick@epa.gov>
Subject: FW: Draft delegation

Ex. 5 - Deliberative Process

B.

From: Lewis, Jen
Sent: Wednesday, May 03, 2017 2:53 PM
To: Breen, Barry <Breen.Barry@epa.gov>
Cc: Hogan, Joanne <Hogan.Joanne@epa.gov>; Melvin, Karen <Melvin.Karen@epa.gov>; Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>; Woolford, James <Woolford.James@epa.gov>; Openchowski, Charles <openchowski.charles@epa.gov>; Michaud, John <Michaud.John@epa.gov>; Hilosky, Nick <Hilosky.Nick@epa.gov>; Stalcup, Dana <Stalcup.Dana@epa.gov>
Subject: RE: Draft delegation

Barry,

Ex. 5 - Deliberative Process; ACC

Jen

Jen Lewis

Deputy Associate General Counsel

Solid Waste and Emergency Response Law Office

(202) 564-2097